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ABSTRACT

Presented are the complete texts of two public hearings (April 9 and May 7, 1973) before the Subcommittee on the Handicapped (of the Senate Committee on Labor and Public Welfare), considering Senate Bill 6, a bill to provide financial assistance to the states for improved educational services for handicapped children. Included is the text of the bill and the testimony of witnesses such as parent representatives from the Pennsylvania Association for Retarded Children; Dr. Daniel Ringelheim, director of special education of New Jersey; Peter Hickey, a physically handicapped high school senior; Francis Sargent, representing the National Task Force on the Education of the Handicapped; and Michael Daly, chairman of the Education Committee of the Massachusetts House of Representatives. Also included are statements given by the witnesses and others such as Gunnar Dybwad of Brandeis University, Milton Shapp, governor of Pennsylvania, and Laura Wilber, representing the New York State Speech and Hearing Association. Additional information in the form of articles, publications, and communications to senators include titles such as "Amortization Schedules in Human Growth and Developments Investments, the Case for Social Mutation" (New Jersey); "An Act Relating to Exceptional Children" (Maine); "Special Education in the Inner City: The Social Implications of Placement"; and "The Six-Hour Retarded Child". Examples of communications included are from the executive director of the United Cerebral Association of New Jersey and William Cahill, Governor of New Jersey. (DB)

EC

ED 094505

HEARINGS
BEFORE THE
SUBCOMMITTEE ON THE HANDICAPPED
OF THE
COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

ON

S. 6

**TO PROVIDE FINANCIAL ASSISTANCE TO THE STATES FOR
IMPROVED EDUCATIONAL SERVICES FOR HANDICAPPED
CHILDREN**

**APRIL 8, 1973
NEWARK, N.J.**

**MAY 7, 1973
BOSTON, MASS.**

PART I



U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
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EDUCATION FOR ALL HANDICAPPED CHILDREN, 1973

MONDAY, APRIL 9, 1973

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED
OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE,
Newark, N.J.

The subcommittee met at 10 a.m., at the Mount Carmel Guild, Newark, N.J., Senator Harrison A. Williams, Jr., chairman of the Committee on Labor and Public Welfare, presiding pro tempore.

Present: Senator Williams.

Committee staff members present: Mrs. Patria Forsythe, professional staff member; Nik Edes, associate counsel; Lisa Walker, professional staff member; and Roy H. Millenson, minority professional staff member.

Senator WILLIAMS. It is a great pleasure indeed to call the Senate Subcommittee on the Handicapped to order for the hearing today in Mount Carmel Guild. I'm sure we all share the good feeling of being here in this place that means so much to so many people. Monsignor Dooling is our host, and we are most grateful. Monsignor Dooling, for this and for all that you mean in the efforts to help handicapped people.

Monsignor Dooling is the director of the Mount Carmel Guild, which has over 70 facilities in northern New Jersey. These facilities include the Mount Carmel Guild Diagnostic Center, where we are right now, a school for brain-injured children, which is across the street, and a rehabilitation center, which is also here in Newark.

Monsignor Dooling, again our great appreciation to you.

STATEMENT OF MSGR. JOSEPH DOOLING, DIRECTOR, MOUNT CARMEL GUILD, NEWARK, N.J., ACCOMPANIED BY MSGR. JOHN HOURIHAN AND MSGR. RICHARD McGUINNESS

Monsignor DOOLING. Thank you, Senator. We are very happy, of course, to welcome you as the chairman of this subcommittee, as well as all the staff that has accompanied you on this occasion, and the guests who have come, who I am sure are going to be able to give much in the way of input to these hearings.

Monsignor McGuinness and Monsignor Hourihan are seated here at the table, too, and Monsignor Hourihan says I'm to talk for them. It's impossible for me to ever be able to match their flow of language, and especially Monsignor McGuinness, whom everybody knows can talk faster than our brains can receive the messages that he gives.

But, Senator, we're very happy that you have chosen Mount Carmel Guild, because it also gives us an opportunity to express our appreciation to you for the interest that you have manifested in so many of the

programs for the handicapped. I'm sure that these hearings are going to be very productive.

Senator WILLIAMS. Thank you very much, Monsignor Dooling. I would feel our hearing would be incomplete if your colleagues didn't say hello to everybody here, and to the Senators who will be reading this record back in Washington.

Monsignor HOURIHAN. Monsignor Dooling and I appeared in Washington 2 years ago as a team, and almost looked like Gilbert and Sullivan at that particular time, and we were very much impressed with the receptivity of the men who are Senators sitting on committees in Washington, the amount of time and energy that they give to generating legislation. It is really a great honor for us to be here with Senator Williams, because he personifies the image that we have of these men who have dedicated their lives to working for your children and we are all with him.

Monsignor McGUINNESS. I'm just very happy to be here with you, and I'm sure the meeting will be very productive. We are all involved in the effort to have the best possible care for handicapped children, and I hope this will be a means of getting better and better programs together.

Senator WILLIAMS. Well, we certainly share that view, and I thought it more than symbolic that we meet here. All that you do is an example that can be used by others.

So, without further ado, I would like to place our legislation before the group that are gathered here. We have witnesses from many places. This is the beginning of a series of regional hearings on S. 6, the Education of All Handicapped Children Act."

At this point I order printed the text of the bill.

[The text of the bill, S. 6, follows:]

93d CONGRESS
1st Session

S. 6

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1973

Mr. WILLIAMS (for himself, Mr. BENTSEN, Mr. BIBLE, Mr. BROOKE, Mr. CANNON, Mr. CHILES, Mr. HART, Mr. HOLLINGS, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. McGEE, Mr. MAGNUSON, Mr. MONDALE, Mr. MOSS, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENS, Mr. STEVENSON, and Mr. TUNNEY) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To provide financial assistance to the States for improved educational services for handicapped children.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Education for All Handi-
4 capped Children Act".

STATEMENT OF PURPOSE

6 SEC. 2. (a) The Congress finds that—

- 7 (1) there are more than seven million handicapped
8 children in the United States today;
9 (2) close to 60 per centum of these children do not

1 receive appropriate educational services which would
2 enable them to have full equality of opportunity;

3 (3) one million of these children are excluded en-
4 tirely from the public school system and will not go
5 through the educational process with their peers;

6 (4) the States have a responsibility to provide this
7 education for all handicapped children; but are operating
8 under increasingly constrained fiscal resources; therefore,

9 (b) It is the purpose of this Act to insure that all handi-
10 capped children have available to them not later than 1976
11 a free appropriate public education, to insure that the rights
12 of handicapped children and their parents or guardian are
13 protected, to relieve the fiscal burden placed upon the States
14 and localities when they provide for the education of all
15 handicapped children, and to assess the effectiveness of efforts
16 to educate handicapped children.

17 **DEFINITIONS**

18 **SEC. 3. As used in this Act—**

19 (1) the term "handicapped children" means men-
20 tally retarded, hard-of-hearing, deaf, speech impaired,
21 visually handicapped, seriously emotionally disturbed,
22 crippled, or other health-impaired children, or children
23 with specific learning disabilities who by reason thereof
24 require special education, training, and related services;

1 (2) the term "Commissioner" means the Commis-
2 sioner of Education;

3 (3) the term "per pupil expenditure for handicapped
4 children" means, for any State, the aggregate current
5 expenditure during the fiscal year preceding the fiscal
6 year for which the computation is made, of all local edu-
7 cational agencies in that State, plus any direct current ex-
8 penditure by the State for the operation of any such
9 agency for handicapped children, and the additional cost
10 to the State or local educational agencies within that
11 State for the provision of education to handicapped chil-
12 dren in homes, institutions, and other agencies other than
13 public elementary and secondary schools, divided by the
14 aggregate number of handicapped children in attendance
15 daily to whom such agency has provided free appropriate
16 public education, and such expenditure shall not include
17 any financial assistance received under the Education
18 of the Handicapped Act, the Elementary and Secondary
19 Education Act of 1965, or any other Federal financial
20 assistance;

21 (4) the term "per pupil expenditure for all other
22 children" means, for any State, the aggregate current
23 expenditure during the fiscal year preceding the fiscal
24 year for which the computation is made, of all local edu-

1 cational agencies in that State, plus any direct current
2 expenditure by the State for operation of any such
3 agency for all other children not included in the deter-
4 mination made under paragraph (6) of this section,
5 divided by the aggregate number of all other children in
6 attendance daily to whom such agency has provided free
7 appropriate public education, and such expenditure shall
8 not include any financial assistance received under the
9 Elementary and Secondary Education Act of 1965, or
10 any other Federal financial assistance;

11 (5) the term "free appropriate public education"
12 means education, training, and related services which
13 shall be provided at public expense, under public super-
14 vision and direction and without charge, and meeting the
15 standards of the State educational agency, which shall
16 provide an appropriate preschool, elementary, or second-
17 ary school education in the applicable State and which
18 is provided in conformance with an individualized writ-
19 ten program;

20 (6) the term "State" means each of the several
21 States, the District of Columbia, the Commonwealth of
22 Puerto Rico, Guam, American Samoa, the Virgin Is-
23 lands, and the Trust Territory of the Pacific Islands;

24 (7) the term "State educational agency" means
25 the State board of education or other agency or officer

1 primarily responsible for the State supervision of public
2 elementary and secondary schools, or, if there is no such
3 officer or agency, an officer or agency designated by the
4 Governor or by State law;

5 (8) the term "local educational agency" means a
6 public board of education or other public authority legal-
7 ly constituted within a State for either administrative
8 control or direction of, or to perform a service function
9 for public elementary or secondary schools in a city,
10 county, township, school district, or other political sub-
11 division of a State, or such combination of school dis-
12 tricts or counties as are recognized in a State as an
13 administrative agency for its public elementary or sec-
14 ondary schools, and such term also includes any other
15 public institution or agency having administrative con-
16 trol and direction of a public elementary or secondary
17 school; and

18 (9) the term "individualized written program"
19 means a written educational plan for a child developed
20 and agreed upon jointly by the local educational agency,
21 the parents or guardians of the child and the child when
22 appropriate, which includes (A) a statement of the
23 child's present levels of educational performance, (B) a
24 statement of the long-range goals for the education of
25 the child, and the intermediate objectives related to the

1 attainment of such goals, (C) a statement of the specific
2 educational services to be provided to such child, (D) the
3 projected date for initiation and anticipated duration of
4 such services, and (E) objective criteria and evaluation
5 procedures and schedule for determining whether inter-
6 mediate objectives are being achieved.

7 AUTHORIZATION

8 SEC. 4. (a) The Commissioner is authorized to make
9 grants pursuant to this Act for the purpose of assisting the
10 States in providing a free appropriate public education for
11 handicapped children at the preschool, elementary, and sec-
12 ondary school levels.

13 (b) There are authorized to be appropriated for the
14 fiscal years beginning July 1, 1973, and ending June 30,
15 1977, such sums as may be necessary for carrying out the
16 purposes of this Act.

17 BASIC GRANTS: AMOUNT AND ENTITLEMENT

18 SEC. 5. (a) (1) From the sums appropriated pursuant
19 to section 4 of this Act for each fiscal year, each State is
20 entitled to an amount which is equal to the amount by which
21 the per pupil expenditure for handicapped children, aged
22 three to twenty-one years, inclusive, exceeds the per pupil
23 expenditure for all other children, aged five to seventeen
24 years, inclusive, in the public elementary and secondary
25 schools in that State, multiplied by the Federal share

1 specified in section 8 (a) (2) for each handicapped child for
2 which the State is providing free appropriate public educa-
3 tion during the current fiscal year. Funds so allotted shall be
4 used by the State to initiate, expand, and improve educational
5 services for handicapped children in conformance with a
6 State plan.

7 (2) The per pupil expenditure for handicapped chil-
8 dren, aged three to twenty-one years, inclusive, and the per
9 pupil expenditure for all other children, aged five to seven-
10 teen years, inclusive, in any State shall be determined by the
11 Commissioner on the basis of the most recent data available
12 to him.

13 (b) The portion of any State's entitlement under sub-
14 section (a) for a fiscal year which the Commissioner deter-
15 mines will not be required, for the period such entitlement
16 is available, for carrying out the purposes of this Act shall
17 be available for reallocation from time to time, on such dates
18 during such period as the Commissioner may fix, to other
19 States in proportion to the original entitlements to such
20 States under subsection (a) for such year, but with such
21 proportionate amount for any of such other States being
22 reduced to the extent it exceeds the sum which the Com-
23 missioner estimates such State needs and will be able to use
24 for such period for carrying out such portion of its State plan
25 approved under this Act, and the total of such reductions

1 shall be similarly reallocated among the States whose propor-
2 tionate amounts are not so reduced. Any amount reallocated
3 to a State under this subsection during a year shall be deemed
4 part of its entitlement under subsection (b) for such year.

5
ELIGIBILITY

6 SEC. 6. (a). In order to qualify for assistance under this
7 Act in any fiscal year, a State shall demonstrate to the Com-
8 missioner that the following conditions are met.

9 (1) A State has in effect a policy that assures all handi-
10 capped children the right to a free appropriate public
11 education.

12 (2) The State has a plan which details the procedures
13 and implementation strategies for insuring that a free ap-
14 propriate public education will be available for all handi-
15 capped children within the State not later than 1976, and
16 which includes a detailed timetable for accomplishing such
17 a goal, and the necessary facilities, personnel, and services.

18 (3) The State has made adequate progress in meeting
19 the timetable of its plan.

20 (4) Each local educational agency in the State will
21 maintain an individualized written program for each handi-
22 capped child and review at least annually and amend when
23 appropriate with the agreement of the parents or guardian
24 of the handicapped child; that in the development of the
25 individualized written program, parents or guardian are

1 afforded due process procedures which shall include: (A)
2 prior notice to parents or guardian of the child when the
3 local or State educational agency proposes to change the
4 educational placement of the child, (B) an opportunity
5 for the parents or guardian to obtain an impartial due proc-
6 ess hearing, examine all relevant records with respect to the
7 classification or educational placement of the child, and ob-
8 tain an independent educational evaluation of the child, and
9 (C) procedures to protect the rights of the child when the
10 parents or guardian are not known, unavailable, or the
11 child is a ward of the State, including the assignment of an
12 individual, not to be an employee of the State or local edu-
13 cational agency involved in the education or care of children,
14 to act as a surrogate for the parents or guardian; and that
15 when the parents or guardian refuse to agree to the provi-
16 sions of the individualized written program, that the deci-
17 sions rendered in the impartial due process hearing are
18 binding on all parties pending appropriate administrative
19 or judicial appeal.

20 (5) Tests and other evaluation procedures utilized for
21 the purpose of classifying children as handicapped are ad-
22 ministered so as not to be racially or culturally discrimi-
23 natory.

24 (6) To the maximum extent appropriate, handicapped
25 children, including children in public or private institutions

1 or other care facilities, are educated with children who are
2 not handicapped, and that special classes, separate schooling,
3 or other removal of handicapped children from the regular
4 educational environment occurs only when the nature or
5 severity of the handicap is such that education in regular
6 classes with the use of supplementary aids and services
7 cannot be achieved satisfactorily.

8 (7) An advisory panel broadly representative of in-
9 dividuals involved or concerned with the education of
10 handicapped children, including teachers, parents or guard-
11 ian of handicapped children, administrators of programs for
12 handicapped children, and handicapped individuals, has (A)
13 advises the State educational agency of unmet needs within
14 the State in the education of handicapped children, (B)
15 assists the State educational agency in determining priorities
16 within the State for educational services for handicapped
17 children, (C) reviews the State plan and reports to the
18 State educational agency and the public on the progress
19 made in the implementation of the plan and recommends
20 needed amendments to the plan, (D) comments on any rules
21 or regulations proposed for issuance by the State regarding
22 the education of handicapped children and the procedures for
23 distribution of funds under this Act, and (E) assists the
24 State in developing, conducting, and reporting the evalua-
25 tion procedures required under section 7 of this Act.

1 (8) To the extent consistent with the number and
2 location of handicapped children in the State who are en-
3 rolled in private elementary and secondary schools, provi-
4 sion is made for the participation of such children in the
5 program assisted or carried out under this Act.

6 (9) Federal funds made available under this Act will be
7 so used as to supplement and increase the level of State and
8 local funds expended for the education of handicapped chil-
9 dren and in no case supplant such State and local funds.

10 (10) The State educational agency will be the sole
11 agency for administering or supervising the preparation and
12 administration of the State plan, and that all educational
13 programs for handicapped children within the State will be
14 supervised by the persons responsible for educational pro-
15 grams for handicapped children in the State educational
16 agency and shall meet educational standards of the State
17 educational agency.

18 (11) The State has identified all handicapped children
19 with the State and maintains a list of the local educational
20 agency within the State responsible for the education of each
21 such child (whether the child remains in the area served by
22 the local educational agency or is sent out of the jurisdiction
23 for services), the location of the child, and the services the
24 child receives.

25 (b) Any State meeting the eligibility requirements set

1 forth in subsection (a) and desiring to participate in the pro-
2 gram under this Act shall submit to the Commissioner an
3 application at such time, in such manner, and containing or
4 accompanied by such information as he deems necessary.
5 Each such application shall—

6 (1) set forth programs and procedures for the
7 expenditure of the funds paid to the State under this
8 application, either directly or through individual local
9 educational agencies or combinations of such agencies to
10 initiate, expand, or improve programs and projects, in-
11 cluding preschool programs and projects, which are
12 designed to meet the educational needs of handicapped
13 children throughout the State;

14 (2) provide satisfactory assurance that the control
15 of funds provided under this Act, and title to property
16 derived therefrom, shall be in a public agency for the
17 uses and purposes provided in this Act, and that a
18 public agency will administer such funds and property;

19 (3) provide for (A) making such reports in such
20 form and containing such information as the Com-
21 missioner may require to carry out his functions under
22 this Act, including reports of the objective measurements
23 required by paragraph 9 of subsection (a), and (B)
24 keeping such records and affording such access there-
25 to as the Commissioner may find necessary to assure

1 the correctness and verification of such reports and
2 proper disbursement of Federal funds under this Act;

3 (4) provide satisfactory assurance that such fiscal
4 control and fund accounting procedures will be adopted
5 as may be necessary to assure proper disbursement of,
6 and accounting for, Federal funds paid under this Act to
7 the State, including any such funds paid by the State to
8 local educational agencies;

9 (5) provide for procedures for evaluation at least
10 annually of the effectiveness of programs in meeting the
11 educational needs of handicapped children, in accordance
12 with such criteria that the Commissioner shall prescribe
13 pursuant to section 7.

14 (c) The Commissioner shall approve an application and
15 any modification thereof which—

16 (1) is submitted by an eligible State in accordance
17 with subsection (a) ;

18 (2) complies with the provisions of subsection (b) ;

19 (3) provides for the distribution of funds under this
20 Act in such a way which reflects the relative percentage
21 contribution within each State of funds spent within the
22 State on education of handicapped children by State and
23 local educational agencies; and

24 (4) provides that the distribution of assistance un-
25 der this Act within each State is made on the basis of

1 consideration of (A) the relative need for special ed-
2 ucational services in certain geographical areas within
3 the State as developed under the State plan, and (B) the
4 relative need for special educational services for certain
5 subgroups of the population of handicapped children
6 within the State as developed under the State plan. The
7 Commissioner shall disapprove any application which
8 does not fulfill all such conditions, but shall not finally
9 disapprove a State application except after reasonable
10 notice and opportunity for a hearing to the State.

11 (d) As soon as practicable after the enactment of this
12 Act, the Commissioner shall prescribe basic criteria to be
13 applied by State agencies in submitting an application for
14 assistance under this Act. In addition to other matters, such
15 basic criteria shall include—

16 (1) uniform criteria for determining the handi-
17 capped children to be served;

18 (2) uniform criteria to be used by the State in
19 determining categories of expenditures to be utilized in
20 calculating State and local expenditures for the educa-
21 tion of handicapped children.

22 EVALUATION AND REPORTING

23 SEC. 7. (a) The Commissioner shall measure and eval-
24 uate the impact of the program authorized under this Act,
25 and shall submit annually to the Congress a report on prog-

1 ress being made toward the goal of making available to all
2 handicapped children a free appropriate public education by
3 1976. Such report shall include a detailed evaluation of the
4 education programs provided in accordance with individual-
5 ized written programs, and shall include an evaluation of
6 the success or failure of the State and local educational agen-
7 cies to meet the long-range goals and intermediate objectives
8 for education, to deliver specific services detailed in the in-
9 dividualized written program, and to comply with the pro-
10 jected timetable for the delivery of such services.

11 (b) The Commissioner shall also include in the report
12 required by subsection (a) —

13 (1) an analysis of the procedures undertaken by
14 each State to insure that handicapped children are to the
15 maximum extent appropriate educated with children
16 who are not handicapped, pursuant to paragraph 6 of
17 subsection (a) of section (6) of this Act;

18 (2) an evaluation of the State's procedures for the
19 institutionalization of handicapped children, including
20 classification and commitment procedures, services pro-
21 vided within institutions, and an evaluation of whether
22 institutionalization best meets the educational needs of
23 such children; and

24 (3) recommended changes in provisions under this
25 Act, and other Acts which provide support for the

1 education of handicapped children which will encour-
2 age education of such children in public preschool, ele-
3 mentary and secondary schools where appropriate and
4 improve programs of instruction for handicapped chil-
5 dren who require institutionalization.

6 **PAYMENTS**

7 SEC. 8. (a) (1) The Commissioner shall pay to each
8 State from its allotment determined pursuant to section 3,
9 an amount equal to its entitlement under that section.

10 (2) (A) From funds paid to it pursuant to paragraph
11 (1) each State educational agency shall distribute to each
12 local educational agency of the State the amount for which
13 its application has been approved except that the aggregate
14 amount of such payment in any State shall not exceed the
15 amount allotted to that State pursuant to section 5 (a).

16 (B) To the extent that any State in which the State
17 educational agency is wholly or partially providing free ap-
18 propriate public education for handicapped children, the
19 provisions of subparagraph (A) of this paragraph shall not
20 apply.

21 (b) For each fiscal year the Federal share shall be 75
22 per centum.

23 (c) (1) The Commissioner is authorized to pay to each
24 State amounts equal to the amounts expended for the proper
25 and efficient performance of its duties under this Act, except

1 that the total of such payments in any fiscal year shall not
2 exceed—

3 (A) 1 per centum of the total of the amounts of
4 the grants paid under this Act for that year to the
5 State educational agency; or

6 (B) \$75,000, or \$25,000 in the case of the Com-
7 monwealth of Puerto Rico, Guam, American Samoa,
8 the Virgin Islands, or the Trust Territory of the Pacific
9 Islands, whichever is greater.

10 (2) There are authorized to be appropriated such sums
11 as may be necessary to carry out the provisions of this
12 subsection.

13 (d) Payments under this Act may be made in advance
14 or by way of reimbursement and in such installments as the
15 Commissioner may determine necessary.

16 WITHHOLDING

17 SEC. 9. Whenever the Commissioner, after reasonable
18 notice and opportunity for a hearing to any State educational
19 agency, finds that there has been a failure to comply sub-
20 stantially with any provision of section 6, the Commissioner
21 shall notify the agency that payments will not be made to
22 the State under this Act (or, in his discretion, that the State
23 educational agency shall not make further payments under
24 this Act to specified local educational agencies whose actions
25 or omissions caused or are involved in such failure) until he is

1 satisfied that there is no longer any such failure to comply.
2 Until he is so satisfied, no payments shall be made to the
3 State under this Act, or payments by the State educational
4 agency under this Act shall be limited to local educational
5 agencies whose actions did not cause or were not involved in
6 the failure, as the case may be.

Senator WILLIAMS. This marks the start of a concerted and detailed examination of the educational opportunities—or, frankly, and more correctly, the lack of such opportunities—for handicapped children in this country.

Since the time when I first introduced similar legislation in the past Congress we have witnessed a vast outpouring of support from those who best know the problems and the needs. We have received letters, telegrams and personal comments from parents, agencies and organizations, and even some communication from children themselves. Support has also come from the highest offices of State governments. We will place in the hearing record endorsements from Governor Cahill of New Jersey and Governor Shapp of Pennsylvania. In addition, we will hear from the Representatives of those States as well as the States of New York, Maryland, and Delaware at our hearing today.

The need to provide educational opportunities for the handicapped we all know is most vital one. Throughout our Nation there are more than 7 million handicapped children. Their fate—the course of their lives—depends upon the commitment which this Nation is willing to make in providing education and supportive services.

Currently, we know that only about 40 percent of these 7 million handicapped children receive an appropriate education, and a shocking 1 million handicapped children are totally excluded from our country's schools. In New Jersey we have one of the most comprehensive pieces of special education legislation, as well as a true commitment in this field. Yet, according to Office of Education statistics, the fact remains that only 43 percent of all children who should be served currently are being served in our State.

Obviously, we are far short of meeting the needs of the handicapped, but, throughout the Nation, States currently are spending over \$3 billion for these programs. We can't expect them to carry much more of an additional burden. By comparison, the Federal Government sends an additional \$200 million, most of which supports ancillary services.

Clearly, a much more substantial Federal effort is needed, and this effort would represent an effort that actually would amount to a saving for our country. Estimates are that it costs \$200,000 to institutionalize a handicapped person over his lifetime. On the other hand, it is estimated that for the expenditures of about \$20,000 per child we can insure productive lives for 90 percent of the handicapped youngsters in America. These to me are compelling arguments for enactment of S. 6, the Education for All Handicapped Childrens Act.

But perhaps most important is that these children have a right to appropriate educational services. They have the right to believe and to dream about this country in the same way that any other children do. They have the right to know that this Nation will provide them equal protection of the law and equal rights under the Constitution, and their parents have the right to know that their attempt to press local educational agencies for appropriate services is not something for which they must plead.

Today I look forward to receiving testimony from many parents and public officials who have joined us. Their information will further help us to assess exactly where we are, where we need to go to insure

that the right to education for all handicapped children will become a reality.

At the beginning of the record I will include various statements. In addition to a statement from the Governors that I have mentioned, a statement from the New Jersey State Senate, Minority Leader J. Edward Crabel, will be included, as well as from our own committee, the chairman of the Senate Subcommittee on the Handicapped, Senator Jennings Randolph; and Senator Javits, the ranking minority member on the full Labor and Public Welfare Committee.

STATEMENT OF SENATOR JAVITS

Because Senator Javits could not be here, he has asked that I read his statement into the record and welcome our witnesses and friends from New York.

Senator Javits says:

Although not a member of the Subcommittee on the Handicapped, which is conducting these hearings, I am the ranking minority member of the Committee on Labor and Public Welfare, and, of course, this subcommittee is a part of the full committee.

I have long been interested in the education of the handicapped and have joined as a cosponsor of the legislation that Senator Randolph and Senator Williams have introduced. I wish to tender my regrets that the tyranny of a busy schedule prevents my being here today. However, I shall read carefully the testimony being presented, especially that of the witnesses from my own State of New York. This testimony will prove most useful as the parent committee deliberates on the legislation sent us by the subcommittee.

Proper education can help the handicapped child overcome the effects of his disability, and neglect of that education can exacerbate his handicap. With this in mind, it's quite clear that our responsibilities are to the child. I feel confident that these hearings and the other field hearings scheduled by Chairman Williams will produce constructive results.

Senator WILLIAMS. That is a very important statement for our record. It indicates what should be stated, if it is not known, that this legislation has no partisanship at all. We have broad representation of both parties and from all parts of the country as sponsors, cosponsors of this legislation.

At this point, we will enter the prepared statement of the Chairman of the Subcommittee on the Handicapped, Senator Jennings Randolph, as though read.

[The statement referred to follows:]

STATEMENT OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Senator RANDOLPH. I am gratified that the able Chairman of the Senate Labor and Public Welfare Committee, the parent committee of the Subcommittee on the Handicapped which I am privileged to chair, is holding the first of a series of field hearings on Education of the Handicapped in his home state of New Jersey. Due to prior commitments, I regret my inability to be present to hear the witnesses and

participate in the sharing of information about programs for the handicapped. Senator Williams is an effective advocate of programs for the handicapped and these hearings will be of real value to our Subcommittee.

I am well aware that the Mount Carmel Guild, in Newark, site of the hearing, has a long and distinguished record of dedicated service to the handicapped—their education, training and welfare. Under the leadership of Monsignor Dooling and Monsignor Hourihan, the handicapped of this area have been the beneficiaries of a variety of services provided to them at the Mount Carmel Guild. The day is long past when we hide our physically and mentally handicapped children from the world. Experience has taught us that they can and do serve as complete members of our modern society. But they cannot become participants in that society until they receive a full and understanding education that assists them to overcome specific problems.

During the past decade, the Congress has laid the foundation for a comprehensive program for support for educational programs and services for all handicapped persons. While these laws provide an impressive record of enactments for research, professional training, and development of program, expansion of these education opportunities must be continued. Of the many activities I have been engaged in during my service in the United States Senate, nothing is more gratifying than the satisfaction I derive from working for programs to provide equal opportunity for handicapped Americans.

Senator WILLIAMS. At this point we will enter a letter from Governor Cahill of New Jersey, and statements of Governor Shapp of Pennsylvania, and State Senator Crabel, of New Jersey, minority leader.

[The information referred to follows:]

LETTER FROM HON. WILLIAM T. CAHILL, GOVERNOR OF THE
STATE OF NEW JERSEY

Thank you for your letter of August 23, 1972, on the subject of handicapped children.

There is no doubt that legislation is necessary to provide expanded Federal assistance to states for the education of handicapped children. As you may know New Jersey is presently expending approximately \$84 million on such educational programs. While we feel that a good effort is being made on behalf of handicapped children in the educational field in New Jersey at this time, it is also obvious that Federal aid will enable us to improve program planning and actually increase the educational exposure of handicapped children. Our best estimates indicate that a very large percentage of New Jersey handicapped children are presently being served by our existing program. Programs, such as the one envisioned by your legislation, would enable us to improve our position and hopefully provide us with necessary funds to improve out-reach program in order to identify and provide services for all handicapped children within the State.

The provisions which pertain to determination of uniform criteria for the identification of handicapped children to be served are of the utmost importance and I was delighted that the bill addressed itself to these problems.

I think you might consider the possibility of providing, in your legislation, for administrative funds to the various state departments of education to enable them to effectively carry out the evaluation requirements and the oversight of program administration generally. Oversight and evaluation are not simple problems; without adequate fiscal support for these elements of the program the success of the undertaking will be endangered.

I am sure that this will be an expensive undertaking but it would appear to me that legislation of this kind would be most worthwhile, regardless of the level of funding.

PREPARED STATEMENT OF HON. MILTON J. SHAPP, GOVERNOR OF THE STATE
OF PENNSYLVANIA

It is my distinct privilege to review the legislation, which you recently introduced on behalf of the education of all handicapped children, and its companion bill introduced by Congressman Brademas in the House.

We, in Pennsylvania, have long expressed active concern for our handicapped of all ages, and because of the public interest, the support of the legislature and the leadership in government, Pennsylvania's educational programs for exceptional children are among the most progressive in the nation.

Despite this dedicated and continuing effort, however, Pennsylvania does not have sufficient resources to educate every handicapped child, as is his right under the Constitution. To realize this goal for Pennsylvania will require the continued participation of the Congress as set forth in this legislation.

I commend you and your colleagues for recognizing the need for a national commitment to this vital issue and for proposing these bills, which I am convinced will be recognized as among the most significant social legislation of our time. I pledge to you my personal support in the interest of all handicapped children throughout the nation.

PREPARED STATEMENT OF STATE SENATOR J. EDWARD CRABIEL, NEW JERSEY
SENATE MINORITY LEADER

The American people have always responded to challenges that are concerned with human values. One such challenge is the cause of the handicapped—those citizens with physical and mental disabilities who need special education from their earliest years in order to develop their potential and make their contribution to society according to their abilities.

Legislators at the state level have risen to the challenge in our own State. Much has been done; but the job has not been completed. Our State Department of Education has statistics to prove that the number of children participating in special programs has grown in the last decade. Part of this growth is due to federal assistance. Such assistance has enabled us to recruit trained teachers for the children through the program of federal support for the training of teachers for the handicapped. Moreover, the Handicapped Children Early Education Act has been a pump primer for the establishment of pre-school programs wherein the child and the parents, during the most critical years, receive the attention needed. This Act wisely required the models funded with federal monies to stimulate the State to use their own resources to increase the number of such programs. A good example of this is the activity of the Pre-School for the Deaf model in the Mount Carmel Guild which through the parents and staff has been cooperating with the Education Committee of the State Assembly to generate legislation for this very purpose.

Of course, the legislators are conscious of the rights of the handicapped to the right of an education. This consciousness has been increased by litigation in certain areas. Moreover, they are conscious of the cost of special education. Therefore, legislation such as that proposed in the Senate through Bill S8 is important. This Bill which seeks to aid the States in contributing to the cost differential of education of the handicapped and the typical child is a realistic approach to helping the State do what they want to do, mainly helping the handicapped. In so doing, we are helping our State because they become contributing citizens.

Senator WILLIAMS. We are going to proceed as groups here, with panels from various areas of concern, interest, and knowledge. The first panel is a group of parents from New Jersey: Mrs. Mildred Ricci, from West Long Beach, N.J.; Mr. and Mrs. James Hogan and George Hogan, from Runnemeade, N.J.; Mrs. Barbara Yezek from Linwood, N.J.; and Mrs. Patricia Juliano from Orange, N.J.

Now, Mrs. Ricci, you were the first to appear here. Why don't we make you sort of chairman of the panel, and will you please start the testimony.

**STATEMENT OF MRS. MILDRED RICCI, WEST LONG BEACH, N.J.,
MR. AND MRS. JAMES HOGAN AND GEORGE HOGAN, RUNNE-
MEADE, N.J., MRS. BARBARA YEZEK, LINWOOD, N.J., AND MRS.
PATRICIA JULIANO, ORANGE, N.J.**

Mrs. Ricci. I would first like to thank you, Senator Williams, for introducing this bill. I feel it is a much-needed bill, as a parent of a handicapped child.

My son is 11½, and he's classified noneducable or trainable retarded, and the only help I have received in the 11½ years is about a year and a half of schooling through the Association for Retarded Children. At this time he is not attending any program because he has a convulsive disorder, and they are frightened of him.

There's really nothing for him. the way the law is now, and I'm sure there are many others like myself. One of the reasons I brought my daughter today, a normal child who is 18, is a little program she has participated in in school that has been helping some of these children, through the Shogies, a club that has worked with autistic children and has been very helpful. I really feel that young people today can help in many ways bring this ball along. They can see that some of these children get into regular education programs in the lower grades and in the lower level. If the normal child grows up seeing these problems, I think they'll understand a lot more—and I think everybody will.

If you grow up with something like this, you understand a lot more. My daughter has understood a lot more than I have. I feel that young people today can open these channels to work with handicapped people. Young people have helped a great deal in our community and they help us understand that handicapped children can benefit enormously from assistance.

Senator WILLIAMS. I'm glad you made this last point.

We had hearings 2 weeks ago and Tony Curtis, from the movies, was a witness. He has two youngsters who have learning disabilities. It impressed me at that hearing that if there were an introduction to average youngsters of a greater knowledge of the problems of those who have handicaps, it would be very helpful all the way around, good for them, and also helpful and good for those who they will be associated with. I'm glad you mentioned it.

Mrs. Ricci. I feel it is true, and I feel the government should help more with programs, scholarships, and things, for these people to go into this field. That's why I endorse spending more money for handicapped, I know it will bring in more people, more children, because it will throw open programs for them to help our children, and I think in the long run everyone will benefit from them.

Senator WILLIAMS. Now that we're here in Newark, I would like to comment on a heroine of mine, Cathy Damio—whose parents and family are well known here in New Jersey. She is a teacher of deaf youngsters in Maryland, and I have never seen any young person as completely fulfilled and happy in life as she is, and part of it flows from this great attention to deaf youngsters.

Mrs. Hogan, you have come a long way, from Runnemeade. It's a long ride. We appreciate your coming here.

Mrs. HOGAN. Well, we appreciate you bringing this hearing to the State of New Jersey.

My son was birth damaged, and retarded. He was hurt academically, not socially when they had no place for him in the elementary school. There was a long waiting list in Camden. He went to parochial school for 8 years, and only learned what he could pick up orally. Then it was time for him to go to high school, and there seemed to be no place. All of a sudden they told us that at Triton Regional High School there was a special education class for his type. He started over there, and we were amazed at what he picked up. They had books there that would teach him how to use services in everyday living, like supermarkets, and gas stations, and things like that.

He went from classroom to classroom like the normal children. He went into sports, and the school made him the manager. He got such a reputation that other coaches wanted him to go to their schools and coach them. He went away on weekends to the tournaments and things like this. He learned to take inventory of equipment and equip his boys.

School was finished after 4 years, and he had wonderful instructors that taught him to be reliable.

Then a man up the street got him a job. He's now working at New Jersey Wirestitching Co. He's been working there 6 years. His training in learning to take care of equipment, and all, is helping him now do the work that he's doing. We figure he has paid back \$3,400 in income taxes, so he now has benefited the people.

Senator WILLIAMS. How did you learn of the school that made the difference?

Mrs. HOGAN. Someone told us that they were starting a program in the high school. It was started that year when he was ready for first-year high school.

Senator WILLIAMS. In Runnemeade?

Mrs. HOGAN. Yes. They told us that they were starting a school over there, and I didn't know anything about it. I called the principal, and she said, "Bring your son over, and come over right away," and he started that day.

And he got so that the next year when the other boys and girls would come, they'd be upset, and he'd be the one to explain to them and calm them down, and show them, the boys or girls, what the program offered them.

Senator WILLIAMS. What had been his education prior to that?

Mrs. HOGAN. He only had 8 eight years parochial school, going from grade to grade, absorbing what he could, going along with his age, not his ability.

Senator WILLIAMS. When did this special attention and program in the Runnemeade High School start?

Mrs. HOGAN. It would be 1962.

Senator WILLIAMS. Do you know of any other schools that do anything similar to this?

Mrs. HOGAN. I didn't hear of any, no. Now they're starting more in our area.

Senator WILLIAMS. Well, now, this is exactly the objective of this legislation.

Mrs. HOGAN. Yes. Because without it he might have just been sitting around the house, wondering, "What am I going to do with my time?" Now this way he is making his living, he's paying for his own hospital bills, his clothing, and he's supporting his different governments with income taxes. And he's now able to give out instead of taking. Otherwise he might have had to go on welfare or his father's social security, or something like that.

Senator WILLIAMS. I'm very happy to have you here this morning, George. Are you taking a day off work?

GEORGE HOGAN. Yes.

Senator WILLIAMS. Well, if you need any official letter from us, we'll be glad to give it to you, if there's any problem back at the shop.

GEORGE HOGAN. Well, no, because the foreman knows me. He let me tell my boss, and the boss let me off for today.

Senator WILLIAMS. Very good.

Do you have anything further you want to say that might be helpful to other Senators who will be reading this but who couldn't be here today?

GEORGE HOGAN. Well, yes.

It's obvious that all my kind, like me, what they want, you know, is to learn more. The more they learn, like the experience I had, it helped me a lot, it could help them out even better than me. If there's more courses for kids to learn, this way nobody will have any problems.

Mrs. HOGAN. We'd like more businesses like New Jersey Wire-stitching to give them a chance, too.

GEORGE HOGAN. Like big law companies give mentally retarded kids jobs. They don't have to be, well, good jobs. Like me, I'm maintenance engineer. I take care of the whole place, take care of the office. Anything that comes in, they call me; anything they need, they call me. It's like I'm an all-around guy in that place. I crate, wash parts, run drill presses, and all that bit. From the experience in my shop, from that experience I know what to do in the machine shop.

Senator WILLIAMS. Let me ask you how large a company is New Jersey Wirestitching, how many employees are there?

GEORGE HOGAN. There's only about, say 25.

Senator WILLIAMS. Where is the company?

GEORGE HOGAN. It's up in Camden, on Second Avenue.

Senator WILLIAMS. Who is the president of the company?

GEORGE HOGAN. Bill Storck.

Senator WILLIAMS. Well, this is exactly what we would like to see for so many—literally millions—who have not had this educational opportunity. I am glad to know about New Jersey Wirestitching and all that Mr. Storck has done. One of the things we have been fighting for in the Rehabilitation Act is better employment opportunities and I am pleased to know that there are places in my State that are leading the way. Thank you.

Now, Mrs. Yezek, from Linwood. We're well represented from the southern part of our State.

Mrs. YEZEK. Yes; and actually, my experience with New Jersey has been very good.

I have been here about 2½ years, and my son is now 10, and we did not realize there was a problem until he started school. We were in the State of Virginia at that time. He has always been a very, very nervous, busy little boy, but we didn't realize there was any learning problem associated with this, and his schooldays in Virginia were disastrous, because in first grade I kept getting reports—rather, in kindergarten, I was getting reports that he wouldn't sit down, he wouldn't follow directions, and that he wasn't able to do this, and wasn't able to do that. The first grade was worse. We took him to doctors—

Senator WILLIAMS. Were you in a large city?

Mrs. YEZEK. We were in Annandale, right outside of Washington.

We took him to the doctor. He told us it was a "maturation lag," that he would outgrow it, which of course was ridiculous.

Senator WILLIAMS. That was a doctor, not an educator?

Mrs. YEZEK. That was a doctor, a pediatrician.

We talked to the principal, and he blamed it on the teacher. He said she was about ready to retire, and she wasn't flexible.

I asked to have the child seen by the school psychologist. I was told by the principal that he did not think this was indicated with Michael, and that anyway, the waiting list was several months long.

I was very uninformed at the time, and so I didn't do anything, I just let it ride, and Michael grew more and more frustrated, and our whole family was in trouble by this time, because the whole family was distraught.

Senator WILLIAMS. How many other children are there?

Mrs. YEZEK. I have three other children.

We moved to New Jersey 2½ years ago, and Michael was referred to the Child Study Team immediately. He was given a complete physical examination, he was tested educationally, and he was sent to a psychiatrist and a neurologist.

The psychiatrist told us that there was little or no emotional disturbance, but that we could expect it if he continued to be frustrated at every turn. The neurologist spent 2½ hours explaining to my husband and to me what minimal brain dysfunction is, and how to live with a hyperactive child.

I can't tell you the relief we felt, because first of all, we realized we weren't doing something wrong—we weren't doing it to him, we weren't to blame. Secondly, he had a physiological problem, which, while it can't be cured, it could be met and dealt with.

He's not in a special classroom, he's still in a regular classroom with a very special teacher, and he's working on a learning prescription that has been devised specifically for him to meet his needs. He's a much happier little boy now, his favorite color isn't black any longer, and he and the whole family is back on an even keel.

Senator WILLIAMS. How old is he now?

Mrs. YEZEK. He's 10 now, and we came here when he was in second grade.

He'll always be—his development will always be uneven, and he'll always have more frustrations than most people, but at least now we understand the problem, and we can make the way as smooth as possible.

New Jersey has been very good for us in another respect, in that we did meet Project Quest, and I have learned that my child is not a

rarity. One child in six is afflicted with some form of learning disability, and this is not speaking of the more severely handicapped, but only the learning disabled.

Children learn at different rates, and this timing may be very different. My Michael has an IQ well above normal. He is in the fourth grade. He's reading on the ninth grade level, his math is on a second grade level, and this is not unusual with learning disabled children. They do not grow evenly.

We can't afford to throw these children away simply because they're not able to conform to the school. I feel it's time the school learned to conform to meet the individual need of these children. There won't be any learning disabilities when our schools know how to meet individual needs rather than operating on a group, and with the children having to meet the school's needs rather than the other way around.

These children have a lot of potential. There have been a lot of famous people who were learning disabled. Winston Churchill was hyperactive; Leonardo da Vinci wrote backward all his life.

I should like to recommend prekindergarten or preschool assessment to learn possible learning disability, because many problems, if detected early, can be remediated or minimized by treatment. Parents, as well as educators, should be allowed to initiate classification proceedings. Who knows the child better than those who live with him?

May I further suggest that parents be given the opportunity to exercise a more positive role in their children's education? There should be a collaboration of significant adults in the child's life. Parents, as consumers of education, should have more say in the quality of the product their school systems produce.

PARENT INVOLVEMENT

These last 2 years have proven to me that parents can and do wish to become informed and involved. Project Quest, an EPDA program unique to South Jersey, has undertaken to mixing parents, teachers, and administrators in conference context, with professional consultants as speakers, and the parents held their own very well. They have taken the knowledge they gained and put it to good use within their own communities. This project pointed up the need for parent information and education, thereby providing unique and dramatic sharing experiences for all those concerned.

The success of the people-to-people approach is very evident in my community, thanks to the 127 parents and professionals in Atlantic County who have been Quest participants. It is my hope that when the time comes for implementation of Senate bill 6, provision will be made for constructive parent involvement and a circle of communication developed between home and school.

And actually, in summation, I can only say that New Jersey has given my child a new opportunity, and our family a growth experience in understanding, and I hope Senate bill 6 can do the same for many, many others.

Senator WILLIAMS. Well, I think that last suggestion is included in the bill. We have provided that each local educational agency in the State will maintain an individualized written program for each handi-

capped child. There is a provision that parents or guardians are afforded due process, which includes—and you'll see it there—all of the notice and opportunity for the parent, the guardian, to obtain hearings, examine records. We're striving there to do, through the legislative language, exactly what you're talking about.

If, before we finally come to ultimate voting on this, if there are any other ideas—obviously your experience would be helpful to us—if there are any ways we can improve this, we would appreciate hearing further. You have provided us an excellent supportive statement of the experience for our legislative effort.

Now, Mrs. Juliano.

Mrs. JULIANO. Thank you very much, Senator Williams.

I would appreciate and beg your indulgence if you would allow me to read my statement, since I learned of this hearing at the last minute, and I prepared a few remarks and concerns.

Senator WILLIAMS. Fine. Proceed as you wish.

Mrs. JULIANO. My name is Mrs. Patricia Juliano, and I live at 390 Tremont Place in Orange—a good Democratic city.

Thank you very much for this opportunity to explain myself as a parent, a citizen, and taxpayer, and tell you what our important concerns are to me.

I am the mother of seven children, two of whom are handicapped. One is a 16-year-old son, Guy, neurologically impaired, and a 12-year-old multihandicapped, neurologically impaired deaf daughter, with a heart defect.

My concerns, of course, are vocational and educational, particularly for my daughter, who attends presently the communication disorder classes at the Child Study Institute at Newark State College in Union. She has possibly 1 more year in this program, and that is it. There is no adequate program to which she may continue, either educationally or vocationally.

I believe that the handicapped child ought to enjoy the same kind of "thorough and efficient" educational opportunities, whatever definition that contains, as has recently been attached to regular public education.

Handicapped children are always the last on the budget agenda. Yet, they must be properly educated so as to avoid their becoming a burden to our community. That is to say, isn't it more an advantage to have the handicapped properly educated and gainfully employed than to be on the welfare rolls? Either way there is cost to the community, but it is always so much more beneficial to have the handicapped contributors to our social economic system.

It is my opinion that in Essex County we must make provisions for vocational and technical education here at home, particularly with respect to the deaf, who, for far too long a time, have more or less been at the mercy, if you will, of the State School for the Deaf in Trenton. We cannot expect to send all secondary deaf youngsters to the residential school for vocational and technical training unless we are attempting to develop another Willowbrook, and there must be a determination of what we are educating the deaf young adult for. Is he or she being prepared to compete in the job market as it exists with hearing and speaking members or are the deaf here in New Jersey being educated to compete only with each other, which of course is rather significantly limited.

I have here in my hand a copy of the latest issue of the *Volta Review*, which is the journal of the Alexander Graham Bell Association for the Deaf, of which I have been a member. In it is contained their biannual list of deaf graduates. I am curious to know why one name does not hail from the Katzenbach School for the Deaf in Trenton. Of all the names that are listed throughout the United States not one hails from this particular school. Why do you suppose that is? Could it be that our beautiful State school, which appears to absorb so much needed funds for some vocational and technical training of the deaf, does not have high school accreditation? Is that why we do not hear how many or the number of graduates of the State school being successful in hearing schools? As a taxpayer I am not so sure I approve of my taxes going to support a school which possibly cannot turn out a student with an accredited high school diploma.

Since I do not expect to use the facilities in Trenton for my multi-handicapped daughter, I am, in truth, more interested in seeing to the establishment of much needed programs within our existing county vocational school system, which I have been able to bring to the attention of the Essex County Freeholders, the result of which will hopefully see the first program for the handicapped in the Essex County vocational school system, a system which is operated second to none in the State, and accredited, if you will.

Thank you very much.

Senator WILLIAMS. Thank you very much, Mrs. Juliano.

It impresses me that we have had three descriptions which all indicate a responsive educational community where you live, but it seems to me that perhaps they might be, if not unique, certainly not generally the educational pattern we find in all of our communities here in New Jersey. I don't know whether that's true or not.

I did ask you, Mrs. Hogan, whether you knew of any schools, and you did not. Maybe there are others, but you didn't know of them. I would think perhaps you might know if it were a general thing in Camden County.

Mrs. HOGAN. There is a sheltered workshop where they are working with the more severely retarded children, and they have contracts from high schools for repairing their equipment, and things of that nature.

EQUALITY OF EDUCATIONAL OPPORTUNITY

Senator WILLIAMS. Well now, as a more general observation question, we have had a profound court decision dealing with our school system here in New Jersey just a week ago, within the last week. It didn't rise on a question similar to cases involving handicapped children that have come up in other States, but there we get the legal finding that handicapped children have rights under our Constitution to an equality of education.

Do you have any observations on that, and whether you feel we have arrived at that point where there is equality of educational opportunity for handicapped children?

Mrs. RICCI. I don't think they have equality. I don't think there is equality. As a matter of fact, I have a clipping here from the Newark Star-Ledger from a few weeks ago, and the title is, "Dad's Struggle Wins School for Disturbed Child."

It's unfortunate to read the word "Struggle" in there, but that's what he did, and he was a man that was in schooling, he was a guidance teacher. His child was considered noneducable, and nontrainable, which my son is also, and he had to really struggle and find a loophole in the Beadleston law which entitled him to get schooling for his child. I have the clipping here, if you would like to read it further.

But that's the thing that's unfair, that one parent has to struggle in northern New Jersey and find a way that we all don't know about yet.

Senator WILLIAMS. I don't think we have that clipping. Could we have it for our record, Mrs. Ricci?

Mrs. Ricci. Yes, you're welcome to have it.

[The article referred to is printed in the appendix.]

Mrs. YEZEK. Even in the same county different school districts are not meeting the needs, or, like our regional county school in Cape May. I belong to the Association for Children with Learning Disabilities in our area, and we had a gentleman there from Avalon who moved from Massachusetts down here, and for some reason they refused to educate his child. They claimed the child was mentally retarded and the parents claimed he had a neurological handicap, and he was not mentally retarded. To my knowledge, I do not know now whether the child is in school. It has just been a hassle ever since they moved here, which was in July.

And our own high school—now, my oldest boy is classified emotionally disturbed because life with a handicapped child, life with a hyperactive child is difficult. Our household tends to revolve around him, and the older boy resented this and realized the child couldn't help it, so he felt guilty, and he has himself on a treadmill. There is nothing in our high school for this child. At this point, he was in school from September to November before he ever saw his guidance counsellor, and there is no program being provided. Fortunately, academically he does well. Yet it's socially that his problems are, he does not make friends well, and he has trouble with his peer groups.

Mrs. JULIANO. I would like to say that my son, 16 years old, is attending regular high school. Now, he would not be able to have achieved this had there not been the full cooperation of our special services department in the Orange school system. And I must say, in addition to that, my son spent 18 months at the county mental hospital, in the adolescent unit, in the behavior modification program. Following his release from the Essex County Hospital Center, and in the interim while being in school and waiting for community outpatient help, or the community mental health service program, the school guidance department did enable him to receive the services of the social worker in school, to help him while he was placed on the waiting list for an extension of the hospital center, the Essex County Guidance Center, which provides services in an outpatient clinic, and it would seem to me that this kind of program at the guidance center ought to be expanded, since the waiting list is tremendously long. It could mean a year in waiting sometimes. We were very fortunate that my son was able to move up and be served at the guidance center. They provided more of a service.

Senator WILLIAMS. Thank you, very much. You have certainly provided us with information that will demonstrate great need to the Congress, and I want to thank you for sharing this with us.

[The prepared statements of individual witnesses appear in the appendix to the Newark hearing.]

Senator WILLIAMS. We have now a group of parents from our neighboring States.

Mrs. Jean Hatt, from Sinking Springs, Pa.; Mr. Stuart Brown, from the Pennsylvania Association for Retarded Children; Mrs. Martha Bernard, a parent from New York, with the Association for Brain Injured Children accompanied by, Ms. Carolyn Heft, New York Legal Services; Robert Stearns, a parent from Maryland; Paul Crawford, a lawyer from Wilmington, Del.; and Dr. S. Lup Jung, a parent and a member of the Governor's Advisory Council on Exceptional Children, from Wilmington, Del.

Are you all present and accounted for?

Dr. Jung. Can my companion, John Phillips, from the Governor's council, help me?

Senator WILLIAMS. Fine. Shall we start the microphone over to Mrs. Hatt and move it across as we progress?

STATEMENT OF MRS. JEAN HATT, SINKING SPRINGS, PA.; MRS. STUART BROWN, PENNSYLVANIA ASSOCIATION FOR RETARDED CHILDREN; MRS. MARTHA BERNARD, NEW YORK, ASSOCIATED WITH THE ASSOCIATION FOR BRAIN INJURED CHILDREN; MS. CAROLYN HEFT, NEW YORK LEGAL SERVICES; ROBERT STEARNS, A PARENT FROM MARYLAND; PAUL CRAWFORD, A LAWYER FROM WILMINGTON, DEL.; AND DR. S. LUP JUNG, PARENT AND MEMBER OF THE GOVERNOR'S ADVISORY COUNCIL ON EXCEPTIONAL CHILDREN, WILMINGTON, DEL., A PANEL OF PARENTS AND PARENT REPRESENTATIVE FROM NEW YORK, MARYLAND, PENNSYLVANIA, AND DELAWARE

Mrs. HATT. Senator Williams, I was one of the fortunate parents who were in the original 13 parents throughout the State of Pennsylvania who sued for the right to education in Pennsylvania in a class action suit.

My daughter is 11 years old, a severely hyperactive retarded child, and at the present time she is in a school program. My main concern right now is the quality of the program that she is in. I don't feel we have enough professionals available, enough consultants to work with the teacher. I don't feel enough communication is being done with the parents concerning the program that our children are in. I would like to see more teachers being trained in the way of the severely retarded child.

I have many comments to make, and I have asked many questions, and from what I hear most, what I would say is, we at the present time don't know what to do with the severely retarded child. Yet I have seen results, wonderful results, with these children. My daughter was in Hamburg State School and Hospital for a year under a grant that they had received for behavior modification, and they have done tremendous things with my child, so I know things can be done with these children. And I can't really see why this can't be true in Pennsyl-

vania. We have got them in school now, we did win that, but I would like to see more being done for the programs that are being presented to them. Otherwise it's a waste of money, and these children, they just don't have a year to lose. At the end of a year to decide, "Well, we haven't done exactly the right things with these children that could have been done" is as bad as no program at all.

I realize the school districts are not familiar with severely retarded children, but I would like to see the money made available to them so that they can hire the professionals and the consultants to do whatever can be done for these children.

IMPLEMENTATION IN PENNSYLVANIA

Senator WILLIAMS. We will come back, if there is time, to a little more detail of the lawsuit that has really changed things in the country. It was a hallmark or a pioneering action that you and your friends brought.

When was the decision handed down?

Mrs. HATT. October 7, 1971. This September our children were in a regular school program.

Senator WILLIAMS. And now basically, following that, in the new opportunities of school attendance, now you're really concerned about the substance of the educational program that's offered.

Mrs. HATT. Yes. I don't think we are really being given the things that were said—that we would have in our right to education. I just don't like the idea that my child cannot go to school and come home and tell me what she has done that day.

Senator WILLIAMS. Let me ask you this:

Since the court action and its findings, in your school system what new professional educators have been added to the staff that you know of, those with a specialty in dealing with the problems of the handicapped children that are now in attendance?

Mrs. HATT. Well, I do know they did have a Mrs. Baumgartner down, but I'm not sure if there are additional personnel. They have had consultants now, but it hasn't been the way I would like to see it. I mean a program should be planned for these children. We were told there would be an individual prescription on each child, and I have asked for this, and this has not been done up until the present time.

And for instance, the children's teacher is a young girl from college. Now, she needs help, and I have asked if she has gotten help with these severely retarded children, and comments have been made that she has, but then I have checked around, and there really hasn't been that much help made available to her.

Senator WILLIAMS. Again, this is what we're directing our legislation toward, the greater opportunity of the schools having the resources to do what they know and we know must be done.

We'll move along to Mr. Brown.

Mr. BROWN. My name is Stuart Brown, from Roslyn, Pa. I'm a parent of a mentally retarded child and an officer in the Pennsylvania Association for Retarded Children, the only statewide agency in the Commonwealth that is dedicated to the welfare of 360,000 retarded Pennsylvanians. Since the association has already forwarded our written testimony to you, I shall not burden you today by reading that statement. Rather, I wish to take a few minutes of your time to point

out two weaknesses in Senate bill 6, and to make recommendations for your consideration, which, in our opinion, will assist in each.

Senator WILLIAMS. Fine—this is exactly what we hope for. If you see areas where we can strengthen our legislation, that's exactly what we want.

Mr. BROWN. We believe these changes will assist in achieving the end of assuring of special educational programs for all handicapped children in these United States.

The first weakness—in 1955 Pennsylvania public school laws were amended to include a section on special education programs for all exceptional children residing in the Commonwealth. Exceptional children were defined in that law as all children of school age who deviate from the average in physical, mental, emotional, or social characteristics to such an extent that they require special educational facilities and services, and included all children in detention homes. Local school boards were assigned the primary duty to provide or maintain, or to jointly provide and maintain with neighboring districts, special education classes, or schools. Further, when it was not feasible for a child to be accommodated in the public schools of a district, that school forwarded the responsibility to secure such proper education and training outside of the public schools, or in special institutions, or by providing for teaching a child in his home.

The Pennsylvania legislation also recognized that the education and training of exceptional children would be more expensive than the cost of educating or training normal students. Since they had made education and training of exceptional children mandatory, the Pennsylvania Legislature supported the school district by providing reimbursement funds from State revenues that would totally absorb all costs for special education services, thus the financial burden on the local district for the education and training of an exceptional child is no greater in Pennsylvania than it would have been had the child been normal.

Parents of Pennsylvania's exceptional children were elated. At last special education opportunities were going to be provided for their handicapped and gifted children.

Senator WILLIAMS. That was 1955?

Mr. BROWN. Yes, sir.

REIMBURSEMENT PROBLEM

Mr. BROWN. But implementation of these fine statutes did not occur very rapidly, if, indeed, at all. Numerous excuses began to be offered by public school officials for their lack of implementation. These excuses and their interpretation of the basic statutes as they were applied to retarded children led to the landmark "Zero Reject," right-to-education lawsuit in Pennsylvania.

However, the basic problem that has not yet been resolved in Pennsylvania is the reimbursement mechanism for excess cost for special education incurred by the school district. To be eligible to receive special educational reimbursement, the local school district must first provide funds, facilities, transportation, and special education programs for the entire school year before it can submit its bill for services rendered to the Commonwealth. Since the Commonwealth develops its budget for the coming fiscal year prior to the termination of the

classes for the year, the school must wait an additional year for State reimbursement. This means that the school district must provide total cost of special education programs 2 years before reimbursement funds begin to flow back to the district. Thus the development of the special educational programs for special children has been seriously impeded. The mandate to provide educational special services to exceptional children in Pennsylvania prior to the court order has been a hollow stick, and the reimbursement for the excess costs of special education in Pennsylvania has been an empty carrot. There were impending contempt citations against the Philadelphia School District, which at first refused to comply with the court's order because of the reimbursement mechanism. Aside from all other problems facing the Philadelphia School District, the sudden possibility of having to fund special education for an estimated 20,000 retarded exceptional children for 2 years at a cost of \$1,870 per pupil per year was financially almost impossible, even if they wanted to do the job.

Senate bill 6 can be a substantial incentive to the development of special educational programs for the handicapped children provided that the Federal 75 percent and the State's 25 percent can be made available to all school districts in these United States as advance payments. To accomplish this end it is proposed that Senate bill 6 be appropriately revised to require the States to expend the Federal and State proportionate shares to the school districts of the State as a special education incentive advance, based on the per pupil expenditure formula that has been established in the bill.

The second weakness: Throughout Senate bill 6 reference is made to a free appropriate public education. While it is abundantly clear to you and me that this means that there should be a uniform special educational program tailored to each pupil's capacities, it is also clear that appropriateness of program for the individual child is the reason for the due process hearing and the opportunity for the parents to challenge the school district's evaluation through an independent evaluation of their handicapped child.

MINIMUM VERSUS APPROPRIATE

In Pennsylvania educators are trying to narrow the scope of the word "appropriate" today by saying that if your local district has a program that meets minimum State standards for trainable retarded children, it is the appropriate program, whether the child fits into it or not. Obviously this restriction is to prevent embargoes on the school district by keeping the parents from shopping for a public education. It is not for the child, it is for the convenience of the school district, because it eliminates the need for establishing quality programs for each individual exceptional child.

It is recommended that Senate bill 6 be appropriately revised to further define "free appropriate public education," by linking it into the individualized written program and its delivery as the appropriate program for a particular handicapped child, and into the due process hearing as a mechanism that affords the parents the opportunity to seek out public education programs suited to the capacities of their handicapped child; then, having found it, have the right to enroll their child in that program.

The Pennsylvania Association for Retarded Children is truly impressed by the farsighted scope of Senate bill 6, and pledges its support of this bill. The lack of special education opportunities for handicapped Americans has been a national tragedy long enough. Passage of this bill could be the dawn of a new hope for millions of retarded children of this generation, and, implemented to its fullest, for generations to come.

Thank you for your time, sir.

Senator WILLIAMS. Thank you very much, Mr. Brown. The linkage here, the description of the linkage of the home to appropriate education, I can see that being done in our work rather easily. The other, the advance of moneys as a special incentive, that was basic to your suggestion?

Mr. BROWN. Yes.

Senator WILLIAMS. These are chaotic days in Washington, as you know, budgets and authorizations and appropriations and vetoes, and a lot of business, and we have got a lot of reshaping and rethinking to do back in your National Capitol, as you well know. I can say right away that it makes all the sense in the world to get on that kind of efficient and stimulating basis as you suggest in your proposal. I hope we can arrive at it.

Mr. BROWN. I hope so, too, sir.

Senator WILLIAMS. Now, we have Mrs. Bernard—

Mrs. BERNARD. I'm Martha Bernard, and the parent of a 21-year-old young adult labeled, perhaps, learning-disabled or minimally-brain-damaged, and I know all about "maturation lags." You know, it's a game, the labels that we all use.

I'm also newly elected as president of the National Association for Children With Learning Disabilities, and am also the president of the New York Association for Brain Injured Children.

Senator WILLIAMS. Where is your home?

Mrs. BERNARD. In New York City.

I'm testifying before this committee today in a sense wearing both hats. That is, other than as a parent, almost all of my available time and direction is directed toward the achievement of necessary services for the handicapped. Since the discovery of my daughter's handicap some 10 years ago I have developed a very strong personal and public commitment to doing whatever can be done. I have lived through the long process of growth which we as parents must achieve if we are in any way going to be able to live with the reality and the acceptance of the fact that we're going to be living with someone who has great differences, and the society isn't about to accept the fact that people have all kinds of differences—we're a world of conformists. Our neighbors and our friends, and sometimes our families, turn away and reject us.

TUITION V. PUBLIC SCHOOL PAYMENTS

Mine is neither the worst nor the best story, but my personal experiences have been sufficient that I'm well aware of the humiliations to which we daily expose ourselves. Fortunately my child did attend public school in New York City, starting in 1964. I lived in the Borough of Manhattan, and at that time there were only classroom

spaces for 12 so-called brain-injured children in that whole borough. There are some more at this point—I mean, we have achieved something. There is truly a great and tremendous lag.

Later, as she grew older, the system seemed to have no awareness that people become older, and children grow up. She was one of two children in the beginning of the junior high school program in New York City, and then she was behind the system again, in that we had to move to private school education through the rest of junior high and high school. At that point our only choice was to really spend a great deal of money for private school without having what would be, what I consider the freedom of choice. I guess at that time I realized how important legislative and political action are in the process of achieving services for handicapped children.

In New York State at that time we parents succeeded in providing some support through legislative action for private schools, but that has hardly sufficed for the many who are entitled to a free public school education. In some ways it has boomeranged for us, because school officials sometimes feel that they do not need to provide public school services if that private school is over there, even though the moneys that are given are not sufficient to pay. We get \$2,000, and the tuition of some of the schools are up to \$5,000, so there's a great gap.

I have, also, having lived through this process, become an ardent supporter of legislation to establish the rights of handicapped children for an equal opportunity to determine the fairness in the manner of provision of educational services, and our association, is presently the plaintiff in an appeal to the Commissioner of New York State against the New York City Board of Education to assure implementation of the mandates in State policy which do exist in our State, and which really are quite adequate. There are many lawyers here today, and Ms. Heft is here with me, who will discuss many of the issues related in our case.

REHABILITATION ACT VETO

But I say very much of what I say with a very heavy heart, and perhaps not enough conviction, because I can't—I must use today's opportunity to say what I experienced in Washington last Tuesday, when I was part of a group from New York City of 150 primarily severely disabled people, and the discouragement and how we felt at really the almost—the sense that no one was hearing us, no one was seeing us, and as we went down halls and corridors we saw people scurrying away, and it was a most tragic experience, when, you know, we were trying to participate in the possibility of passing the vote to override the veto on the rehabilitation bill. The sense of being really untouchable was extreme. Even though the group consisted, as I said before, of many fulfilled people, most of those disabled people were people who had benefited from rehabilitation services, and there were many taxpayers among us. You had to wonder whether people weren't running away. They really didn't want to acknowledge the fact that there can be rehabilitation, and that we didn't represent something which really can't be helped, and they had to know in their consciences that possibly they were really doing a damaging thing. The only legislative assistant who really did speak to us told us that we were people

who were being cruelly deceived by the Government. And we were all really quite articulate and knowledgeable people.

Senator WILLIAMS. I saw a picture of this group in the paper being addressed by Senator Javits.

Mrs. BERNARD. That was the one meeting which we were able to have, and he greeted us, and then as we moved through and attempted to meet with other Senators and other Congressmen, I think our score was zero beyond Senator Javits, who was present to greet us, you know, on behalf of the State.

Senator WILLIAMS. I have to defend myself. You didn't look to me.

Mrs. BERNARD. We didn't come to you?

Senator WILLIAMS. No, you didn't.

Mrs. BERNARD. I'm sorry. I tell you, I think our aim was to see the people who we knew were going to vote against the bill, in a sense, and we were trying to influence people such as Senator Buckley and some of the Members of the House.

And it was cruel.

Senator WILLIAMS. Is he educable? [Laughter.]

Mrs. BERNARD. Hallelujah.

It was a day, you know, the process of getting the wheelchairs into the cafeteria, the fact that the counters were too high for people to be able to serve themselves, the process of getting young adults into the gallery.

Senator WILLIAMS. You know, one little bit of change, and it's so small, and yet it's so important: that is, just that entrance into the new Senate office building, now—that's only 3 weeks ago—that they made that accessible. That was part of the effort, but this architectural business, so much more has to be done.

Mrs. BERNARD. Yes.

Well, we tried—you can't get people into the gallery of the House, and the guards were marvelous. They helped lift people out of chairs into the gallery, and of course just as we did this, you know, we went through this process, the House adjourned because the Senate blew it. They didn't override the veto.

Of course I had never spent 9 hours on a Grey Hound bus, and I realized what it means to get in and out of the restroom on that bus for people who are almost immobilized.

But, Senator, we move to your bill, and I would like to make one or two suggestions, because the concept of your bill is really what we need and what we're looking for. The excess cost is great, and the excuses that educators in all States have used are simply that there never is enough money available.

I would like to suggest that the definition of handicapped children is perhaps, in a sense, restrictive, and that you should look at the New York State definition of handicapped, which provides services only for mental, emotional, and physical reasons. Somehow it sounds like it isn't enough, but the broader it is, you know, the less you get hung up on all these labels, and I have a child who has about four, and I'd rather have a simple use of words than to use, many things which can be used as an excuse.

I would also like to comment on the advisory committee concept, and I have served on many advisory committees, also on Federal bills, and

unless we can be used in more than a token way, and unless things can happen again in a timely way, as you said, an advisory committee is next to useless.

Thank you. I have taken enough of your time.

Senator WILLIAMS. Doesn't the makeup of the advisory panel suggest to you this kind of involvement? They all would come to this with the greatest degree of knowledge and interest in concern, already, on the part of their background.

Mrs. BERNARD. We come with a great deal of information and willingness, and what happens is that at the last minute everybody's in such a rush—and I have worked on other Federal proposals, under Title VI, Title I, and Title III. There is rarely time to really be able to sufficiently act as a group, and then sometimes you find yourself saying yes to things that you really want to say no to, because you don't want to say no to something that's helpful. The timeliness and who you're working with is of the greatest importance.

Senator WILLIAMS. Yes.

Mrs. BERNARD. Give us clout, say that our word means something except advice. Maybe that's the best way to say it.

Senator WILLIAMS. Well, yes, I know what you're talking about. There was one very good advisory commission who conducted meetings and reports that have been disregarded. Former Governor Scranton had a very, very profound report on student disorders, that's what it was, but the President didn't find it too helpful.

Well, we know what you're talking about.

Ms. HEFT. Senator Williams, thank you for your information and this opportunity to testify on Senate 6, the Education for All Handicapped Children Act. I'm an attorney, director of the law reform unit of M.F.Y. Legal Services, Inc., in the city of New York. I am also in charge of the lawsuit in New York State known as *Reid v. Board of Education*. We are now representing the parents and several handicapped children from the city of New York, who have been joined by NYABIC to represent and argue before the State courts and the commissioner of education the right of these children who have been excluded from publicly supported education. I'm not going to read my testimony. I would like permission to submit testimony in writing after today's hearing.

Very briefly, *Reid v. Board of Education* was filed in Federal court before the Pennsylvania and Washington, D.C. cases. It could have been a landmark decision. I emphasize this because I want to tie it into a comment on the enforcement provisions of Senate 6. *Reid v. Board of Education* suffered the fate of the abstention doctrine in the Federal courts. What that means in simple terms is that the Federal courts would not consider in New York the claim under the equal protection clause that these children were classified and excluded from education, because the State claims under State law had not been considered by State courts. It was our contention, and we lost the advocacy, that the State law was clear here, and had been violated and unenforced by the city of New York and the State of New York, and that the Federal court should have gone ahead on the equal protection grounds, as they were willing to do in Pennsylvania and Washington, D.C., and in other States subsequently.

Unfortunately, in the second circuit, it is very hard to press these claims in Federal court. The result is that we are now, having filed the suit in 1969, 4 years ago, proceeding before the State Commissioner of Education of the State of New York to enforce the right of these same children and the class they represent. We allege that 20,000 children are totally excluded from appropriate or suitable educational services in the city of New York, and 4 years after filing in Federal court, where the district court was ordered to retain jurisdiction, we still have a right to press our Federal claim, but we have to first press our State claims.

Senator WILLIAMS. Exhausting State remedies.

Ms. HEFT. Yes. But the significance of this is that it has taken 4 years to enforce what we can all agree now, as you said many times to other people here, is the Federal right, and most probably a constitutional right under the 14th amendment.

In addition, the New York State constitution says all children shall be provided a free public school education. The New York State education law says every single handicapped child shall be educated, and where 10 children can be homogeneously grouped they shall be provided a classroom education. And yet here we are waiting in a suit against the State board of education for the commissioner to decide, who heard argument on January 16 of this year, who had all the papers submitted in February, who clearly knows the issues, has felt for years that New York City has violated the State mandate, which has been in existence since 1947 and expanded in 1957, and these children are not being provided with the kind of educational services they should be.

FEDERAL ENFORCEMENT

Now, why I mention this is because I would like to see, if possible, Senate 6 provide more enforcement and sanctions other than withholding of funds. I would like to see a Federal statutory cause of action. The State courts just cannot decide these kind of issues in the way that the Federal court can, and I would like to see a Federal statutory cause of action with damage provisions and remediation provisions, because a parent who has had a child at home whose teenage who has never gotten an education, not only needs the excess cost of education in any 1 year, I argue that this child needs remediation for the past years that he has suffered from educational deprivation. So if possible, I would like to see enforcement provisions in this act or some related legislation, and I use the *Reid* procedural problems as an example.

Senator WILLIAMS. Yes. Is that procedural problem spelled out completely in your statement?

Ms. HEFT. I will spell it out. The statement you have in front of you that I gave is a draft. I didn't want anybody to see it. It is spelled out in that draft, and I will spell it out in my formal testimony at length, if you want.

It's not only an exhaustion of State remedies, it's the use in the second circuit, of the abstention doctrine, "that we will not decide Federal claims until State claims are decided;" and the opposing issue is that the State claim is clear on its face, you don't have to have it court-decided. The legislation and the constitution of the State of New York could not be clearer.

The other issue that we raised from Reid, and that I strongly feel is important, and again I would like to see it in Senate 6, goes to what free appropriate education is.

In New York we use "suitable" because our State statute uses, I think, "appropriate" and "suitable" as synonymous.

I think the bill is too unspecific. We have asked in *Reid* for classroom education. Now, we did that in mind that some children need varieties of types of education, but one way that the school system consistently, to use current jargon, "cops out," is to not provide classes, not provide special classes, or special classes concurrent with regular classes. I think the constitutional right is for classroom education. Home instruction deprives a child of peer group relationships, socialization, and other kinds of education than formal education.

We argued this before the Commissioner in New York, and we excluded from the definition children who were so handicapped in a way that they had to be confined to home, or children who weren't even handicapped, but had pneumonia or mononucleosis, and had to be confined away from other children; but excluding that, we don't think that this home instruction should be an alternative to classroom education. I would like to see Senate 6 require in the State plan, or in the criteria that the first alternative, the most important way to educate children, and the mandatory way, with exceptions in appropriate cases, is classroom education. I think that's very, very fundamental.

Senator WILLIAMS. Do you have the bill before you, Ms. Heft?

Ms. HEFT. Yes, I do.

Senator WILLIAMS. May I just refer you to the eligibility section, page 8, and particularly the bottom of page 9, paragraph (6), "To the maximum extent appropriate, handicapped children, including children in public or private institutions * * *."

Ms. HEFT. Right, but I think that the "maximum" and "appropriate" is not enough of a mandate. I think it should be "shall be provided with a classroom education unless, under certain criteria, they cannot be so provided with."

And perhaps a funding mechanism could be provided to help the school systems, whose plight I sympathize with, to give them more construction money to meet architectural requirements for people with handicaps, and to supply more classes.

But I don't think the language on that page is as strong as I would like to see it for classes.

And, in addition to that, I'd like to see a placement requirement in the timetable provision a lot stricter, because one of the problems we have had in New York City is that with the mandate and with the awareness, they say, "Well, 10 years is long enough to work on placement."

That's absurd, and what we have asked for is relief and immediate placement of 10,000 children, and we have said that lack of funds and difficulties in placement are no excuse, because of the statutory and constitutional mandate.

What happens is—let me say this: *Reid* was brought first on behalf of brain injured children. The impetus of it, even though it didn't succeed in the Federal courts, was that New York opened up 2,000 seats for brain-injured children immediately. Litigation does have its results, successful or not.

Now, what they have done with the other handicapped children is to introduce certain evaluation and screening processes, and then make up enormous waiting lists. Every client in the *Reid* case, and I would suspect every member of the class, has had a child on a waiting list for a classroom for 3 years or more, has been out of school for 3 years or more, has been set out for home instruction for two or three years because of the difficulties and the inability of the school to cope, and then never was contacted by the school again. And what home instruction means in the State. S. 6 should speak to this in the section on alternatives to classroom teachers who have not been trained to educate handicapped children. You can speak to the people at teachers colleges, and the like. There is not enough money to train the itinerant teacher.

Senator WILLIAMS. Yes; I was going to ask whether in the stream of education we see some hope that there will be increasing members of professionally trained people to respond when this legislation is law.

Ms. HEFT. No. We have testimony in *Reid* from Frances Conner, who is chairman of the special education department at Columbia, and has some very fine views on instruction as a temporary device that are used to help a child back into the classroom and keep him in touch with the community. According to Dr. Conner, there just are no funds for the kind of training and professional programs that should exist.

I'll comment briefly on a few specific provisions in the bill.

I like the requirement that requires statistics be kept identifying handicapped children. One thing we put in our proposed order in *Reid*, and I'd like to see added in S. 6, is that these become ongoing requirements, that the statistics be kept up to date continually.

DUE PROCESS AND THE INDIVIDUALIZED WRITTEN PROGRAM

The second thing I'd like to bring up is proper notification, or notice. We put notification requirements in our proposed order in *Reid*, and there were certain due process requirements to notify people through the media, letters going out, places to answer on a 24-hour basis, and the like.

We got in our answer from our opponent, who was the Board of Education of the City of New York, a cartoon that said "Call this number to educate your exceptional child"—nothing else, no statement of who you were to call, or what assistance you could expect. And this was put in the answer as "This meets the notice requirement, we have met this, we have posted this in the school"

Somewhere, whether in your legislation or regulations, a definition of what notice really is should be provided.

Senator WILLIAMS. Over in New York they used to hide the notice requirement by putting it in the Staten Island Advocate. I learned that when I was a law student at Columbia.

Ms. HEFT. I also want to comment on how much I like the individual written agreement requirement. What I would like to see is that the time periods be more specific, more mandatory, and sanctions keyed into them.

In New York, in our proposed order in *Reid*, we asked for a 5-year plan for each child, with a 1-year review—I know you ask for annual review in the statute.

TESTING AND SCREENING

You have in the statute the section that says testing shall not be discriminating on cultural and racial grounds. I think that's very good but I don't think it's enough.

That's an enormous problem. I'm now planning another lawsuit to file in Federal court, hopefully in late spring, to test the evaluation and screening process for certified retarded mental development classes charging that the evaluation and screening process discriminates against black, Puerto Rican, minority and poor children, that these children are consequently labeled mentally retarded, when what they really suffer from is disability in the testing process because they are really normal regularly educable children. It's not only the administration of the tests, which is what your statute refers to, but what kind of tests they are.

Senator WILLIAMS. We had some earlier testimony this morning on that exact thing from Mrs. Yezek.

Ms. HEFT. Right, I heard that, and I support it.

I'm concerned also about the State plan provision. One of the problems in New York State is that we have very good State law and State regulations, and the Commissioner of Education is sympathetic and aware of the children's problems. But it is the people who run the educational system in the local school districts who are the problem. We would really like to see more participation and more enforcement against the local educational agency. They have got to be made to conform, and they have got to stop using bureaucratic excuses for excluding these children.

One of the great things we're trying to reach in *Reid* is a simplified administration. In New York City there are upward of seven agencies with different duties. The parents and the school system itself don't know who's doing what. There's duplicative administration, and at the same time there's not enough accountability. We were asked to write a recommendation for revising the administration machinery of the New York City Board of Education by the Commissioner. I found that a rather formidable task. What we did do is suggest a publication of every single office and agency within the local board of education responsible for some aspect of the education of a child. I would put requirements like that into the Federal legislation in the State plan requirements.

UNEQUAL OPPORTUNITY FOR THE POOR

On behalf of my clients who are all poor people, I would add one point that hasn't been made here, and that is that the importance of free publicly supported education for poor people cannot be understated. The system of tuition grants for private school education, of parents ferreting around for a private school, is arbitrary and discriminatory when it comes to the constituency of poor people.

In New York, legally the burden is on the education system—we have agreed on that—to educate the child. As soon as you expel a child from the public school system you shift the burden to the parent. Our public school system, when they accept a child or exclude a child, or suspend a child—and they do it constantly, and they do it in violation of State requirement constantly—does not in any way help that child

find educational alternative. If a parent is not himself well informed, a well-educated and activist-type person, a middle class or wealthy person they can't find education for their children. The lack of free public education is the most glaring discrimination against the poor, and therefore a most appropriate place for the Federal Government to act.

I strongly support S. 6, and I would like to see it passed.

Senator WILLIAMS. Thank you very much, Ms. Heft. You've provided many helpful suggestions and we appreciate your time.

Mr. Crawford.

Mr. CRAWFORD. Senator Williams, thank you for inviting me to this hearing. I have been both moved and informed by the previous testimony. I myself do not have a child that fits into any of the handicapped mentioned, but I do have a brother who is a trainable, mentally-retarded adult of 25 years of age. My knowledge, of course, is acquired through my parents' experience with my brother in trying to find an education of some sort for my brother. Back in the 1950's services were nonexistent, and fortunately, things are now getting better, but still have a long way to go.

In Delaware, as my statement indicates, there is a lot to be done. It's a small State, yet the State Department of Public Instruction, which is the State agency responsible for education, admits by its own statistics that over 2,600 children are not receiving an education. These are handicapped children. This is, in my mind, rather startling, considering the size of the State. It's a fairly well-off State, but it still can't find the funding to support these 2,600 exceptional children.

The glaring example, I think, of the lack of educational opportunity is in the area of severely and profoundly retarded. These children have no pretention of education whatsoever. They are put in what they call day care centers, which are primarily babysitting services is really what it boils down to.

The people who work in these day care centers are doing their best, but most of them are not professionally trained. They have a few staff who make a circuit among these several day care centers, but, by and large, they are just aides who are trying to maintain quiet, and otherwise shepherd these children around. The facilities they use are all rented facilities, church halls, and the like. They have no facilities whatsoever than can be used on a permanent basis. They have to pack up every night, put the furniture in the corner, because there might be a church meeting that night. Toilet facilities are practically nonexistent. Children have to use potties in the middle of the room, just set off by a curtain. Once again, it's an example of underfunding, and also, to my way of thinking, it's an attempt to circumvent the requirements of education for all children in the Delaware statute.

The statutes in Delaware are such that they are not too specific on the requirement for education for these types of children, and what the State has done is to put these children, severely and profoundly retarded, under the Department of Public Health and Social Services as an end run around the requirement that all children be given an education.

Another area of concern of mine and many parents is the lack of vocational education for children. I think we have heard several examples today where vocational education can make a real contributing citizen out of a person who normally would be a ward of the State.

The State of Delaware is just starting to implement a plan, and by plan I mean somebody is thinking about it, so we know we're years away from anything meaningful and actually educational for these children. Hopefully, Senate bill 6 will cure some of these problems and move the plan off dead center and get it funded, and get these children into a meaningful vocational surrounding.

DUE PROCESS PROTECTIONS

My only other comment on Senate bill 6 is one of a laudatory nature. I like the idea of guaranteeing the due process with regard to classification of these children. In my experience as a lawyer this has been one of the biggest problems that parents of these children face that have come to me. They find their children are nonclassified or arbitrarily classified as exceptional of various kinds. They have no recourse except to sit back and take it. The administrators will say, "Well, this is our determination. If you don't like it, go someplace else, or get your own education." These parents become really distraught because they obviously know, to a large extent, what their children can or cannot do. Oftentimes it does not amount to more than a 5-minute interview or 10-minute interview by a psychologist who will determine the classification.

So I think this is part of the act that is extremely good. I agree with my fellow lawyer that it's one that should be beefed up, and that somebody should ride herd on the States with respect to this aspect of it.

I have one suggested change in this area, and it's in section 6, subparagraph (a) (4), and it's at the top of page 9, and it has to do with the prior notice to parents and guardians. I note that the statute requires notice upon the change of an educational placement of a child. I would like to also have written into that that the notice be given to the parent and guardian upon the initiation of the educational placement of the child, because this is, oftentimes, where the problem begins, and if notice is not given at the time of the initial placement, I think that a lot of wrong and harm can be done and it takes a lot of initiative to change these placements.

I have only one other comment, and that's a question to the Subcommittee as to how citizens can help get this bill passed. I myself met some frustration with the veto on the rehabilitation bill trying to get Senators to respond to a plea overriding the veto, and obviously it fell on some deaf ears, as I expected. But I think that perhaps now is the time to get the groundwork laid for support for this bill, so I'm open to suggestions as to how a citizen or interested groups really can put the pressure on the recalcitrant Members of Congress, as I like to call them, who do not see the way clear to aiding social and educational litigation.

Senator WILLIAMS. I'm just looking at our list of cosponsors. Delaware is not represented on the sponsors list.

Mr. CRAWFORD. I realize that.

Senator WILLIAMS. This was introduced January 4, of course.

Well, there has been opportunity. We'll certainly advise Senator Biden that you were here today.

Mr. CRAWFORD. I'm sure he'll vote for it.

Dr. JUNG. Well, Senator Roth did not. Our pleas fell on deaf ears, because he did vote to sustain the veto, not to override.

Mr. CRAWFORD. Senator Biden did vote to override the veto on the rehabilitation bill.

But this is what I'm saying: How do you approach all the Senators who seem to be reluctant to commit themselves to a very important piece of legislation, merely on the basis of fiscal responsibility? This is what the States are saying to us, too, they don't have the money to educate these 2,600 kids that the State of Delaware has indicated they're not giving an education to. Are these children supposed to languish for lack of funds and sit around and wait for some manna from heaven to come to help? I don't see where these legislators get off at trying to say, "Well, we can't do this because we don't have any money." I mean there's money anywhere.

Senator WILLIAMS. Well, I'd write your experience, you know, to your two Senators right away. I'll of course tell them tomorrow when I see them—I'll be in committees with both of them tomorrow—that you were here, Mr. Crawford.

Mr. CRAWFORD. Fine.

Senator WILLIAMS. And that they can expect a full letter to follow.

Thank you very much.

Mr. CRAWFORD. Thank you.

Senator WILLIAMS. Dr. Jung.

Dr. JUNG. I'm a parent of a learning-disabled child, but I'm one of the fortunate ones.

About 7 years ago we were sent to a private school, which has done a beautiful job for my daughter, but her success has taught me a lot of things. One of them is that education of handicapped children properly belongs in the public school domain. The burden of sending that child to school is something that can't be carried on by most parents, and it's made me aware of the need for public school support.

It further got me involved in helping to found the Diamond State Chapter for Learning-Disabled Children, and it's led me to the Delaware Council of Youth Agency. Finally, I'm serving as chairman of the Governor's Advisory Council for Exceptional Children, whose concern is for the education of all handicapped children in the State of Delaware, and to act as an advisory panel to our State board of education.

It's made me aware of the fact that our statutes which provide for the education for handicapped children have grown piecemeal, and as they have grown piecemeal, certain services are left out, certain provisions are not provided for. Now, why aren't these corrected? Well, there are two reasons: one is lack of direction and the other one the general excuse of lack of funding. I feel very strongly that a Federal mandate and funding should provide major means toward correcting these omissions.

In 1972, November, a survey was made of the children, of the handicapped children that were not being served in our State. We are a small State. We have about 5,490 children who are receiving special educational services. There's 2,689 who have been identified—I mean just identified—who are not being served, so that means there's 1 out of children who are not being served with special education.

Now, basically the problems, the reasons for this can stem from the two things that I have said, direction and funding.

There's a legal limitation on classes for learning-disabled children or social and maladjusted children. We recently received an opinion from our State attorney generally saying that these restrictions were unconstitutional. But the funding isn't there, and so there's no action being made toward getting classes for these children.

There's another 473 children who have been identified and are simply waiting evaluation. There's another 395 who are not placed simply because there are no educational programs being provided for them, and then there's another 200 who simply are not placed because they don't have classroom spaces. All of these reflect these two major needs to be accomplished.

Besides these omissions there are others. There's vocational education for the handicapped children.

In our State of Delaware, excepting for pockets of special efforts of some very fine educators, there is not a general vocation or educational program in the public school domain for the handicapped children. If that child is unable to participate in the regular vocational educational programs, he is just simply out of luck.

I might say that in the county in which I live, New Castle County, we have a very fine technical school. It has such a requirement that if you don't have at least a B average, you can't even get in, and the training there is magnificent, but it's not meeting the needs for a large number of handicapped children.

Although there is the vocational rehabilitation program for training and placing of the handicapped adult, with the severe cutback in Federal funding, we anticipate that in July we'll see the caseload reduced from 7,500 to 3,000, less than one-half of those being served before. We'll see the staff reduced from 149 to 49, so that the caseload of 3,000 undoubtedly will drop below that. It's a catastrophic situation.

Another thing that we see strong need for are regional diagnostic centers serving all handicapped children, working with local districts and the parents. The local districts have major concerns with running their day-to-day programs. We need to back them up with specialists who can provide the services that are impossible under the specific handicaps. We need them to work with multiply handicapped children. A child who's orthopedically handicapped and is socially and emotionally disturbed has difficulty getting into the school because they're not set up for it. So in the provisions for education for the handicapped there ought to be a recognition that there is a broad mandate of responsibility, and that the language have such flexibility that you don't drop through the crack because you have an additional problem or you don't fit a precise description.

I see major needs for teacher in-service training and material centers. Again, these are regional things that require funds, because the needs for them are very specific, very specialized, and the local district isn't in a position to do it on their own.

Another major lack is preschool identification. I know in our State, for instance, that babies are born in hospitals, and if they have certain problems they're identified as high-risk babies, and a report is made on these children and tabulated in our division of social services. There is no action now to use it in the educational field. There ought to be a strong impetus here to use this information.

Getting to Senate bill 6, I'm very impressed by it. There are some suggestions I would like to make. I was delighted when I read your individualized written program. I believe in very strong accountability in programs, in placement, on frequency of review, and the inclusion of parental participation, and giving them "clout." I also believe, too, that the local districts have such a busy load with their work that they need help and direction. Sometimes they don't want it—you know, after all, one doesn't want to give up one's domain, but that doesn't mean we have to tolerate it. And I'd like to see a strong central agency.

I'm deeply concerned, too, that for those who have to be placed privately, that there be adequate definition of tuition aid, or purchase of services.

In the State of Delaware our learning disability group was very active in legislation that led to recognition of learning disabilities and the development of classes for such children. We also provided tuition aid. It so happens that tuition aid now, is not available except for the blind. For instance, social maladjusted children, because there is not a strong spokesman for them, there's no tuition aid for them. I think that wrong. So we ought to look at it from the viewpoint that for the purchase of services, that there ought to be specific planning and thinking going into that.

In closing, I want to say I strongly support S. 6.

Senator WILLIAMS. Thank you very much, Dr. Jung. We really appreciate your statement and your support.

Dr. JUNG. I'd like to ask comments from John Phillips, who has been quite an activist in this work.

Mr. PHILLIPS. Thanks very much.

I think Dr. Jung has very thoroughly covered the waterfront in the State of Delaware, and I think I won't take any additional time from your subcommittee except to endorse every word that Dr. Jung has just said.

Thank you.

Senator WILLIAMS. What is your interest, Mr. Phillips?

Mr. PHILLIPS. I'm the father of a profoundly deaf 7-year-old daughter, and I serve with Dr. Jung on the Governor's Advisory Council for Exceptional Children in Delaware, and if I may make one comment, now that I said I wouldn't, I'd like to say that your bill, Senate bill 6, is certainly a shining ray of hope for parents of children with handicaps.

Senator WILLIAMS. How old is your daughter?

Mr. PHILLIPS. Seven years old, profoundly deaf.

I don't feel that we as parents have had an advocate such as Senate bill 6 appears to be. We're all squeaking wheels, but we never seem to get oiled.

Senator WILLIAMS. Where is your daughter now?

Mr. PHILLIPS. She attends the Margaret S. Storek School, which is a school administered by the Newark School District, serving children with hearing impairments all over the State of Delaware.

Senator WILLIAMS. How do you evaluate their response to the needs of the profoundly deaf youngsters?

Mr. PHILLIPS. If I expound on the subject, Senator, you won't get back to Washington tomorrow.

The school has just recently been evaluated by a team of experts in the field of deaf education—one of them, Dr. John Harrington, is here in this room now—and I think the advice given to the Storck School by this team of experts was certainly timely, and is getting our school for the deaf on the right track.

Senator WILLIAMS. Thank you very much, Mr. Phillips.

Mr. STEARNS. Senator Williams, my name is Robert Stearns. I'm a parent of a retarded child and a member of the Montgomery County Association for Retarded Citizens in Silver Spring, Md. I was very happy to get the call from your office that this bill was in the mill. I hadn't heard anything about it, and it's very appropriate to the option we have been involved in recently.

According to the State Department of Education in the State of Maryland, an estimated 50,000 handicapped children, 40 percent of the total of handicapped children in the State, are now languishing in a condition of limbo that points up the urgency of the bill before you. These children are not receiving a free public supported educational program appropriate to their special needs. Just recently they have been given the glimmer of a promise that they will get the education due them, but not immediately. The reason cited for this postponement of hope is that neither the State nor the counties, nor both together, have the fiscal resources to provide this education right away. Support of special education in Maryland is a joint State-local affair, with the State currently spending \$28 million a year for this purpose, and the counties and other local units about half that, \$14 million. This is a sound partnership so far as it goes, but as will be seen, it needs the addition of a third party, the Federal Government, to succeed.

NEED FOR FEDERAL SUPPORT

Last year a team of lawyers headed by the incoming president of the Maryland Bar Association, Norman Ramsey, and by Ralph Moore, a volunteer member of our association, filed suit to require the State of Maryland to provide publicly supported education for all handicapped children in the State. Partly because of this suit, Maryland Governor Mandel ordered the preparation of a bill to set up a program to meet this need. The bill was introduced in the Maryland Legislature in February as HB and SB 649. On first glance the bill appeared to be a solution. It provided for the State department of education to develop standards for educational programs for all handicapped children, and it required local governmental units to set up programs in accordance with these standards, and put them into effect.

On closer scrutiny, however, the bill proved not so promising. The definition of handicapped children therein did not include the severely and profoundly handicapped, who, according to experts in the field, can also benefit greatly from educational programs, and who have long been the ones more overlooked by public school administrators. The bill also included a limit on the amount of annual increase in State aid for handicapped children, a limit of 10 percent a year, or scarcely enough to account for inflation and built-in cost escalation. But worst of all, the bill called for a phase-in schedule that would devote the next 2 years to planning and the 5 years after that to implementation. Thus many handicapped children could find themselves waiting until 1980 before getting educational programs.

By diligent lobbying, bill-amending, press-conferencing, TV-appearing and demonstration-threatening, a coalition of citizen lobbyists from leading parents' organizations serving the handicapped succeeded in getting the bill amended to broaden the definition so it includes the severely handicapped and to ease the limit on annual spending increases. But so far we have been unable to get rid of the overextended phase-in period that can keep a handicapped child on the outside looking in like a specter at a feast, for up to 7 long years.

Why does the Maryland Governor insist on the phase-in period? Because, his spokesmen maintain, the State does not have the money to pay for the costs involved in fully implementing a program of education for all the handicapped right away, or next year, or the year after that, and so on. Moreover, in the discussions on this bill a number of local government leaders have asserted that they, too, don't have the funds to pay their share of an immediate expansion.

We continue to argue that their arguments are not justified. We found, for example, that Maryland is doubling its spending on highway repaving this fiscal year, to the tune of \$10 million, and we argue that if there is money to repair damaged roads, there is money to educate damaged kids. The plea of fiscal inadequacy on the State and local level continues to be a political fact of life in preventing immediate action in this area.

Maryland's new special education bill may pass the State legislature in the next few days, but it is a bill that calls for a program delayed, a hope deferred, an education postponed. We will do our best to get this phase-in period abolished when the 1974 legislature meets, but 1974 is an election year for Maryland's Governor and State legislators, and an election year, we are told, is tighter when it comes to State spending than even the year before an election year. Unless we succeed in shortening this timetable, the 40 percent of the State's handicapped children who are not being properly educated will have a long time to wait.

Our experience in the past few weeks in Maryland shows that Federal aid is clearly needed to enable counties and States to meet their obligations to educate the handicapped child. We strongly urge this committee to push this bill through Congress, and past the Presidential veto that is likely to be lodged against it, so that the handicapped child everywhere in the Nation will at last get the education he needs to become a contributing citizen and not a burden on himself, his family, and his community.

I'd like to read very briefly from a number of letters which have been received in the past several months by "Closer Look," ad hoc letters to the editor from parents on State education available for handicapped children. These letters are all from parents in Maryland, and the names, of course, will not be used.

Senator WILLIAMS. Do you want to include these in our record?

Mr. STEARNS. Yes; I'll make it very brief, Senator. I know we're running long here, but I think this is about a paragraph from Oxon Hill, Md.:

Dear Closer Look:

I have a 9-year-old son, Eric, who is having difficulty in school. He repeated the first grade. Eric is large for his age, very active, and his teachers have all been

in agreement that he needs special attention. He passed to third grade. Where and how do we help Eric? What is available in this area?

I eagerly await your reply.

A letter from Potomac, Md.:

I have a child with a learning disability. She is presently being treated at the Easter Seal Treatment Center, and it is very expensive. We live in Montgomery County, Maryland. Would you please let me know of any financial aid available in my county or state. Because of the present expense we are going to have to stop treatment.

Owings Mills, Md.:

My son is now 13 years old and in the seventh grade. He has had a learning disability since first grade. I have spent a small fortune on him. I have exhausted all the ideas I had as to where to get help. He needs to practice reading, but here again there are no books that are interesting to a teenager. I can see why these kids get in trouble.

My son is in scouts. He takes the trumpet, and I had to try and search for a troop where I could explain the problems to the leader with much patience and understanding. No one knows how a problem worries the mother.

Senator WILLIAMS. You know, that's the first mention that anybody has ever made about the social fallout of the lack of education of these special children, like that right there. Nobody has ever said that. I don't know whether there's any reason for no comment on that or not, but that's the first time we have heard that.

Mr. STEARNS. It's a very good point. The cost of institutional education, either residential or day care, for juvenile delinquents is very, very high, of course, much higher than the college education.

I have three more letters.

Upper Marlboro, Md.:

"Please send me whatever information you have on eye examinations in the Washington, D.C., area. My son is in the seventh grade, and an eye problem has gone undetected by the schools, and even an optometrist, which has caused him failing grades and emotional problems, and was just recently caught by a good optometrist. The eye and ear tests given in schools are most inadequate. His should have been caught long years ago. The eye examinations until recently showed good vision, and I told him how wrong he was when he was in kindergarten and third grade in the Montgomery County school. They did all kinds of tests and never suggested more thorough exams.

"My husband and I are both college graduates and do the best we can for our children, but we never realized he had an eye problem. That's why I am interested in seeing something done.

"For your information, he is getting very expensive eye-training treatments now, which is fortunately covered by insurance except \$100, and his grades have gone from failure to C, B, and A papers. Most people can't afford this, and I want to see what can be done to keep this from happening with other children."

Bethesda:

"Dear Closer Look:

"I am interested in education geared for a child entering sixth grade who has a difficult time with reading perception. Today the school she attends tested for reading, and finds her comprehension in third-grade level and her reading top of fourth. This testing was just done this month at my request. They never tested her before, so they never recognized her having a problem before my request. I now feel that the Montgomery County school system leaves much to be desired, and I'm seeking help from any direction for this child before she enters high school."

And the last letter is from Lanham, Md.:

"Would you please give me some information about the Closer Look. My son is 10 years old, and he goes to school at James McHenry. He is in special education. I would like to know if there is something I can do to help him in reading. Can you tell me why, when a child is in special education, they are treated like they are babies? They are given candy and rest periods when they get their work done right.

"My son tells me that they sit down to read. If they come across a word they do not know, they have to ask another kid. Now, if the parent has some kind of book that they use in school, they can help the kid read.

"By the way, I have Dr. Seuss' books that I buy for Earl. My son is at the age where he wants to be in a regular class. He tried very hard to read, and is doing very good at home, but he is not a child that you can turn loose. He must be made to do these things. When talking to the teacher, she said, 'Do not push him. I have tried that, it does not work in school because of his grade.'

"Now you tell me. I am in need of help, very, very bad.

"Thank you. Help, help, please."

That was a sampling of six letters from Maryland parents received by Closer Look in the past several months.

As a final word, here in America we are proud of our communities and of our ability to create them, but if a community does not educate all its children, then it must be asked, What is a community created for?

Thank you, sir.

Senator WILLIAMS. Thank you very much, Mr. Stearns.

We appreciate all of your long journeys to this hearing here in New Jersey, and your statements will certainly be helpful to us.

Ms. HEFT. May I just add something to maybe help the record on social fallout.

The National Judicial Conference statistics for New York in 1971 were that closer to 50 percent of neglect and abuse proceedings were failed. Then they go to the family court to try and get some other social institution to pick up the failures. These are children who are later labeled delinquent and problem children, and almost every handicapped child at some point gets excluded from school and labeled disruptive, disorderly, bad behaving, this kind of thing. That's in all the court complaints.

Fallout is great.

Senator WILLIAMS. Thank you, Ms. Heft.

Thank you all.

Senator WILLIAMS. Our next panel will be governmental representatives from State government, and State departments of education.

Governor Cahill had hoped to be with us, but I just received word that he will be unable to be here. This is a legislative day, and I'm sure that there are other things to occupy him. He's a busy Governor when the legislature is in, I know. But we will have a statement from the Governor in this record, supporting this bill, as I understand it.

Dr. Donald Carroll, Dr. William Ohrtman, Mr. Joseph Lantz, Dr. T. K. Mullen, and Miss Eunice Fiorito. Are all so named present? Dr. Daniel Ringelheim, Deputy Assistant Commissioner, of Special Education, from the State of New Jersey, accompanied by Mr. Robert Russell, chairman of the Special Education Advisory Council. You're from the home State here, Dr. Ringelheim. Could you begin?

STATEMENT OF DR. DANIEL RINGELHEIM, DEPUTY ASSISTANT COMMISSIONER OF SPECIAL EDUCATION, OF NEW JERSEY; DR. DONALD CARROLL, COMMISSIONER OF BASIC EDUCATION, DR. WILLIAM OHRTMAN, DIRECTOR OF THE BUREAU OF SPECIAL EDUCATION, ACCOMPANIED BY JOSEPH LANTZER, RIGHT TO EDUCATION OFFICE (PENNSYLVANIA); MS. EUNICE FIORITO, DIRECTOR, OFFICE OF THE HANDICAPPED, CITY OF NEW YORK; DR. T. K. MULLEN AND ROBERT RUSSELL, GLEN ROCK, N.J., CHAIRMAN OF THE ADVISORY COUNCIL IN THE EDUCATION OF THE HANDICAPPED

Dr. RINGELHEIM. I'm Dr. Daniel Ringelheim, Deputy Assistant Commissioner of Education, Branch of Special Education and Pupil Personnel Services, New Jersey State Department of Education.

I thank you for your invitation to me and I bring the regrets of the Governor for not being able to attend, and will be reading his prepared statement.

If one takes a look at the extent and scope of the provisions for education and services for handicapped children on a national basis, it would be clearly evident that there is indeed an extreme diversity from State to State. One would find an overabundance of limited or no service, a major number of makeshift and poor quality programs and services, a major shortage of quality personnel, and all too infrequently, a program which satisfies the educational need of the handicapped child, emotional needs and aspirations of the parents, and the vigorous desires of the professionals to provide the full quality of opportunity for the children they serve. The evident diversity throughout the Nation in a large measure is due to the interrelationship between such factors as public attitudes, philosophical commitment, political and legislative interests inactivism, local and State fiscal status, long term and more expedient priorities of the State, and the latest critical variable, class action court suits.

The courts have suddenly become the conscience of the community and the means by which parents have sought redress from the variety of barriers in the path of a quality education on behalf of their handicapped children. This redress through court action has also been sporadic and time-consuming, and has added the factor of pending decisions to the complex pictures of services to the handicapped. The consequence of all of these factors has been a muddled patchwork of programs and services on a nationwide basis. As the handicapped population increases and continues to be more mobile. The need for adequate programs and services on a nationwide basis becomes more and more vital. The discrepancy between States has produced parental movement on an approach to service and an avoidance of poor or no service, so that their children can adequately be served. This has further produced inequities into the fiscal responsibility of the individual State for the handicapped children they serve.

New Jersey, I am proud to say, was one of the earliest States to mandate services for the handicapped. It has expanded its program substantially in its close to 20-year commitment to the program and the task, and its citizens, and has unstintingly financed this growing effort. For this fiscal period, 1971-72 budget, the State citizens of New Jersey have put forth over \$100 million of their funds. Its re-

quirement for local school district programs for the handicapped has resulted in its high priority placement for military personnel with handicapped children. It has been a haven for seriously handicapped or retarded children because of its earlier commitment to these children within the educational framework.

I mention these facts only to illustrate that we still have in the year 1973 many States which provide minimal programs and services to handicapped, and even this on a permissive basis. One wonders when the right of the handicapped to an education commensurate with their needs will become a national reality.

The Federal Government is indeed showing a growing awareness of the need to provide leadership in the area of the handicapped. The establishment of a Bureau of Education for the Handicapped and the growing fiscal support for training service and research in the area of the handicapped adequately attests to this. The Federal support has not, however, been directed substantially to serve the identified handicapped child on an individual basis. There has been no major incentive for the establishment in continuation of programs within States because of the discrepancy between the extensive State fiscal support needed to provide such programs and the minimal Federal support provided the public schools. The difference in New Jersey is \$100 million to a Federal input of \$7 million. The higher fiscal burden upon the State taxpayers does not lend itself to an appropriate atmosphere for the development of an already low priority handicapped educational commitment, which, unfortunately, the handicapped still represents on a national basis. There is indeed a need for the Federal Government to lend its fiscal resources to the task of helping develop adequate programs for the handicapped on a national scope.

Senate bill 6 represents a vitally needed commitment by the Congress and Federal Government to support educational services for the handicapped. The scope of its fiscal commitment is such that it fully addresses the neglect of the past and the massive need of the present to provide an equal educational opportunity for all handicapped children, regardless of the nature of their handicap or where they reside. The eligibility requirements it sets forth under which the individual States are to receive the funds is a prototype of what every handicapped child, his parents, and the professionals who serve them would desire in the provision of educational programs and services. It is a synthesis of the kind of commitment that each State should have as they deal with their handicapped children, but which is oftentimes overlooked in the morass of priorities and the fiscal demands on State government.

S. 6 bodes well for a major upgrading of the extent and quality of the educational programs for the handicapped on a national scale. It assures a major fiscal infusion for those States just beginning the major task of educating their handicapped children. It is a needed boost for the States who fully recognize their commitments, but who find themselves fiscally deterred from a major commitment, and also allows those States with already large fiscal commitments to be recognized for their efforts, and encourages them to further extend their capabilities to produce a greater quality of program.

S. 6 is fundamentally a quality piece of legislation which continues a national commitment to the handicapped. It recognizes a critical fiscal need, and requires a State commitment to the education of handicapped, which has long been a right denied. I commend those who have

played a part in its conception, and lend my voice to those who fully endorse its passage.

Senator WILLIAMS. Thank you very much, Dr. Ringelheim. Let me ask just a couple of questions here:

Our material shows us that 43 percent of the handicapped children are being served in New Jersey, which is above the State average, and you say the expenditure for the handicapped is \$100 million. Is that right?

Dr. RINGELHEIM. Yes; but I would have to amend that 43 percent. I think we're much higher than that now, much, much higher.

Senator WILLIAMS. These figures came from the Office of Education, 1972.

Dr. RINGELHEIM. That's, I think, under title VI projections.

Senator WILLIAMS. Well, my question is, how much additional expenditure would there be to do the job completely of educating the handicapped?

Dr. RINGELHEIM. In terms of total.

Senator WILLIAMS. Yes.

Dr. RINGELHEIM. I would say half of that again.

Senator WILLIAMS. What percentage do you work with in terms of numbers you're serving in education?

Dr. RINGELHEIM. Well, we estimate about 200,000 handicapped for the State of New Jersey. In the public schools we serve about 125,000.

Senator WILLIAMS. You think you're over 50 percent?

Dr. RINGELHEIM. Oh, pretty well.

Senator WILLIAMS. On that 200,000/\$100 million expenditure, how is that broken down as a State contribution and the municipal revenues?

Dr. RINGELHEIM. It's a 50-50 break.

Senator WILLIAMS. Fifty-fifty.

Dr. RINGELHEIM. The State pays 50 percent of the programs in the public schools.

Senator WILLIAMS. This, too, would present a difference, a new situation, in view of the New Jersey Supreme Court school finance decision of last week, am I right?

Dr. RINGELHEIM. Yes; we will have to most likely change that orientation.

Senator WILLIAMS. Yes.

Thank you very much.

All right. Now, who is our next witness? Dr. Ohrtman.

Dr. OHRTMAN. I'm Dr. William Ohrtman, director of the Bureau of Special Education in the Department of Education, and I'm accompanied by Mr. Lantzer, who is the director of the Right to Education office. Our deputy secretary, Mr. Carroll, has not yet arrived. We fully anticipate he will be here. There is, as a matter of record, a statement before you, submitted by Mr. Carroll on behalf of the Commonwealth of Pennsylvania, and I would like to, in view of the time, and the presentation that Mr. Carroll would make, excerpt from that certain statements.

Senator WILLIAMS. We will include his entire statement in the record.

Dr. OHRTMAN. Thank you.

Senator WILLIAMS. And if you would care to give us your statement, fine.

Dr. OHRTMAN. Mr. Brown, for the Association for Retarded Children, quoted in his testimony about a problem in the Commonwealth of Pennsylvania as relates to reimbursement to school districts.

Senator WILLIAMS. Running 2 years behind, I think he said.

Dr. OHRTMAN. Yes.

Senator WILLIAMS. I would say that is a problem.

Dr. OHRTMAN. It appears to be more of a problem than what it actually is, and the school districts many times use this as a means to deny responsibility. There are many factors involved in it, and reimbursements appear to come to districts 18 months after the fact. However, on December 29, 1972, there was an act of the Legislature of Pennsylvania, Act 373, which makes current payments to school districts. We have advance payments to intermediate units which are larger segments of the Commonwealth and based primarily on pupil population and geographical size, who, along with school districts, are mandated to provide education to all exceptional children. The intermediate units, since they do not have a tax base, have advanced payments to them.

The school districts constantly said that they could not mount programs because of the reimbursement factor; so the Legislature of Pennsylvania passed, and the Governor signed, a law which made available immediately to districts \$41 million on a current basis. These checks are now being received by districts, and we now have forward-funding for all programs for exceptional children in the Commonwealth of Pennsylvania.

We are, as stated by Dr. Ringelheim, acutely aware of the financial burden of such programs and of the need for committed and continued financial support from the Federal Government. At the present time there is approximately \$100 million of State money and more than a 50 percent contribution by school districts on local tax funds, this in comparison to the statement that you made earlier at the opening of this hearing, where the Federal Government is contributing about \$200 million to the education of the handicapped, so that we in Pennsylvania do feel that there is a commitment of the citizens there. However, with a national effort just slightly above that of the State of Pennsylvania, which was in Federal court because of not providing an education to mentally retarded children, we can see that a national effort is certainly demanded and needed. Senate bill 6 addresses itself to a total commitment, and the kind of commitment that needs to be made so that handicapped individuals can receive a proper education and training.

We can introduce for you, too, some of the efforts that have occurred. The plaintiffs originally had stated that there were more than 50,000 children in the State of Pennsylvania who were not receiving a program of free education, or of an appropriate nature. To date we have reported in the statement 6,884 children who have entered schools. Some of these individuals had been in public education and have returned. Of those in the State of Pennsylvania who were never in a free public education we have identified 2,571 children. I'm not able to tell you how many of those children are of the younger age as a result of lowering the interpretation of what an exceptional child is. The State law says that a child is an exceptional child who is of school age, but it was never defined. The attorney general has handed down an opinion that said the earliest age at which a school district

admits a child is the age of the exceptional child of that district. So within the 2,571 children we do have some younger children included.

There are those who argue—and these are apparently the ones who are cost conscious, and really do not feel handicapped persons should receive equal to what others do—that in fact, the plaintiffs were all wrong in that we did not locate 50,000 children.

We know that there are minor and major problems associated with implementation, but if the State has 2,571 children who are not receiving an education in the State, in fact, then those administrators interpreting laws and regulations are derelict in carrying out that mandate. So we are very eager in Pennsylvania that, in fact, no child of a school age would be denied an appropriate education.

One of the other things that's in S. 6 which is fundamental is a principle which establishes—and I use it here in the generic sense—the commonwealth.

EXCESS COSTS

We know that a community is unable to mount the kind of necessary financial resources or other nonhuman resources, or human resources, and it does indeed take a commonwealth of financial support in order to bring an equal educational opportunity for the handicapped.

Your bill carries an excess cost with it. Pennsylvania has in its legislation the provision of excess cost. This is, by some individual's interpretation, a wrong formula; that is, we should address ourselves to other ways to finance the education of handicapped individuals.

I must speak on a personal basis. I support an excess-cost formula. I can justify that formula as a duly rational way of providing funds and one which would really deliver to the handicapped the equal educational opportunity. We know it takes an unequal amount of resources in order to make equal for them an education.

These are points that are not included in the testimony per se, and I would stand ready for any questions that you might raise.

DUE PROCESS

Mr. Lantzer could tell you in some detail about the feasibility of the provision in your bill which has to do with due process. We believe that this is a vital part of S. 6, one in which we find we have had a fair amount of experience, and maybe Mr. Lantzer would speak to that point, telling you the number and the breakdown on the findings of the hearing officers who handle the process.

I personally had some opportunity to review our experience, and wrote some of the words that are in the final due process procedure, and we do think that it is one of the major contributions coming from the court case in Pennsylvania.

Mr. LANTZER. At the present time we have a total of 53 hearings that have been heard in Pennsylvania that we have the total result on within the Right to Education Office. Of these 53 hearings, approximately 50 percent of the hearings have been in favor of the parents as advocates for the child, about 50 percent have been in favor of the school district. However, in both cases the feeling has been that no matter who has won the case, the case has been primarily an advocate for the child.

We have an unusual type of hearing coming up this week, which is the first in the Commonwealth as the result of the consent agreement. This is one where section 1318 of the Public School Code is

coming into effect under the hearing officer's responsibility. This is a section of the school code which indicates that a child who has been considered a disruptive child can be excluded from school by the school board on the basis of incorrigibility. Under the opinions that are being handed down by the Attorney General's office, he has indicated that section 1318 will be covered, even though it was not a portion of the consent agreement. As a result, the first hearing where a school board has excluded a child who is mentally retarded from a public school program is supposed to be heard this coming Wednesday evening in the western part of the State. This is a youngster who, had been excluded from school and we are making all haste to see how rapidly this type of hearing can take place, because at the present time the child is in no educational program whatsoever.

Senator WILLIAMS. Mr. Lantzer, you're director of the Right to Education Office in the Commonwealth.

Mr. LANTZER. Yes, sir.

Senator WILLIAMS. Now, how long have you held the office, and how long, indeed, has that been an office?

Mr. LANTZER. The Right to Education Office was first announced by Governor Shapp on May 12, 1972. The office actually took form and had a staff on board by June 4, 1972. This office was specifically put into being in order that the Commonwealth could oversee the right to education compliance within the Commonwealth of Pennsylvania. Since this suit was a consent agreement and the defendants were both the Department of Public Welfare and the Department of Education, the staff in the Right To Education Office has been, and is made up of individuals that have been placed there by the Department of Education, by the Department of Public Welfare, and the additional staff is being paid for through Federal funds.

Senator WILLIAMS. This sort of a pioneering effort, am I right on that?

Mr. LANTZER. To our knowledge, it was the first one throughout the country, and Washington, D.C.'s was the second such office to be established.

Senator WILLIAMS. And I would think that you would probably be under observations by others to see if what you're doing could be applicable elsewhere, for instance, the U.S. Office of Education, are they interested in what you're doing, and have they observed it?

Mr. LANTZER. The U.S. Office of Education has not been directly observing the functions of the Right to Education Office in Pennsylvania; however, we have had a number of programs where the U.S. Office has, at one time or another, had representation.

My own personal feeling here is that with field testing such as the right to education office in Pennsylvania taking place, that it would be an excellent opportunity for the U.S. Office to monitor much more closely than they are at the present time.

I might also add that as a result of the Consent Agreement there were two court-appointed masters who oversee the total program within the Commonwealth of Pennsylvania. The Right to Education Office, along with the Department of Welfare, the Department of Education, and the plaintiffs in the case meet on a monthly basis, and report findings, happenings, and complaints to the Federal court-appointed masters.

Senator WILLIAMS. Thank you.

Now we're going to spring right through the rest of the panel, but then at the end I do want to get your observations on another approach that will be in the hearing process shortly. I suppose, The Better Schools Act, so-called, and the revenue-sharing approach to the education of the handicapped. They are different approaches, S. 6 and the approach of revenue sharing, as you well know, so we're going to have to thrash that one out before we're through this year, and you're the people who know, you're the ones who will get that special revenue money. When it is available, how will you make it available, how will it fare in competition with other educational programs.

Now, who is next? Miss Fiorito.

Ms. FIORITO. Thank you.

Senator Williams, distinguished ladies and gentlemen. First of all, Senator Williams, before I go into giving my comments on S. 6 from the Mayor and from the City of New York, let me very personally thank you and your staff on behalf of the Mayor, the Deputy Mayor, City Administrator, Mr. Morrison, and all of the handicapped citizens of New York City, whom we last week represented in our persuasion pilgrimage to Washington, in a last ditch attempt to persuade, educate, whatever one calls it, to work with the opposing forces, to get them to override the President's veto of the Rehabilitation Act.

Your staff, I must say, must be wholly commended. We were on the phone back and forth—our office pulled that thing together in about 2 days—and Miss Walker and some of the other people on your staff were just fantastically good to work with. And just one final comment on that, too. We didn't stop there to see you, because we were there to see, if you will, the enemy, and therefore we—we weren't there to be courteous and nice—we knew what your feelings were—we had been in touch with your staff. And the next time we come to Washington on a more pleasurable kind of trip, or perhaps requesting something of you, we'll be there to see you.

Senator WILLIAMS. Thank you.

Ms. FIORITO. Now, I come to you today as the director of the Mayor's Office for the Handicapped of New York City. I also come to you representing the mayor and the deputy mayor, City Administrator Edward Morrison, under whose office the Office for the Handicapped is administered. If you will permit me, I know that in S. 7, and H.R. 17 and in the previous legislation, you espouse an Office for the Handicapped on a national level. Fortunately, we now have such an office beginning, and, to some extent, operating within the city. The purpose of this office, very briefly, is to function and serve as advocate for the approximately 1 million citizens in New York City who are handicapped.

Having given you just that slight comment, let me go on to address myself to some comments on the bill.

The Mayor, John Lindsay, the Deputy Mayor, City Administrator, Edward Morrison, and myself, as well as many of the constituents of New York, people who have reviewed this bill heartily endorse and support S. 6. There is no question that in a country of this wealth and with the numbers of 26 million people who themselves are handicapped, that such a bill is long overdue. We pride ourselves in this country, in the State of New York, and in the city of New York in being concerned about the well-being and welfare of all our citizens.

We have in the State of New York, as you have heard already, a law that states that education should be for all handicapped—for all children, including children who are handicapped. Yet of the 459,200 handicapped children in that State are currently being served. In this day and age it is embarrassing to note, as we have, in reading the city records and in other periodicals, that less than 40 percent of our 7 million handicapped children—only 40 percent of those children are being served.

In my own life I started out in special education and then went from there into special social work, and then administration. I have taught retarded children and then somehow I wound up in politics. Therefore, I have a personal, a professional, as well as a political sense of responsibility.

There are certain aspects of this bill that are extremely, extremely important. Obviously the funding aspect is extremely noteworthy, and we heartily support this.

In the city of New York at the present time the current figures given to me are that there are approximately 30,000 children being served a special education. Those are children who are physically, neurologically and mentally involved. There are approximately, in addition to that, 50,000 children being served who have speech and hearing and language impediments—those are the known youngsters. In addition to that we have approximately 4,000 children on home instruction, at least 2,000 of which could be benefited more if there were additional funds. In New York City we have approximately 4,000 who are in the private school program, under what we call the Greenburg law. These are children who are not being served by the public school programs, because there are no funds in the public school system to provide services for them. In addition to all of that, there are approximately 20,000 children with learning disabilities, who could benefit from services, if such were available at this time.

If my addition is reasonable, I would venture to say that we have accounted for only 100,000 children. We know that the city of New York has a population of approximately 9 million people. Therefore it is almost 60 percent to 70 percent of the population of the State. Further than all of that, if we go along with my very poor mathematics, there are approximately 150,000 children, or there should be more that we have not yet identified. Therefore the feature in your bill which is most explicit and most needed, is the feature with reference to developing processes for identifying and locating these children. As you well known from your experience in the field, in any type of program planning it is essential to know the facts about the population that you're working for, and very frankly, most of us do not know these facts.

In New York City we have received very little and almost no extra funds for the education of the handicapped children whom we now serve, those 100,000 whom we now serve. As it is in New York City, we receive an equal amount for educating the handicapped child as we do for educating the nondisabled child. The facts in reality are that it generally costs \$3,000 to \$10,000 more to educate that child. The remaining funds, Mr. Williams, are given over by the city of New York out of general tax levy funds.

You know what the status of urban problems are at this point. Consequently, the parents and schools are always in a hassle when

it comes time to budget to get additional funds. Yet the city of New York is making perhaps not the best attempt, but certainly some attempt to provide some services for the handicapped within the city. Heaven knows, it needs more, because we are not serving these children the way they should be.

In the State of New York, other than the five or six big cities, there's a program called the BOCES board, the board of cooperative educational services. It's a reasonably comprehensive program effected about 3 years ago, in which the State reimburses the local communities up to 65 percent for the services for handicapped children. Yet the big cities, who have the greatest population of handicapped and general population, are the cities who do not get the additional funds.

You spoke before in brief terms, Senator Williams, about revenue sharing. I so happened to be out in the hall a moment ago, and was listening to a group of gentlemen who were discussing revenue sharing. Very frankly, as you well know, the guidelines for revenue sharing are extremely vague, and when it comes to education, the professionals and the parents of the handicapped, and the handicapped themselves, are a very, very unorganized group of people, and therefore in order to really put some pressure on our own State government to disburse the funds in revenue sharing, it is not going to be a battle for very weak people to fight.

And, a further comment—within your bill you place a stipulation for developing an educational plan for each child. Obviously this is so needed, because so many of our children are lost, are misplaced, or, when they are in a program for a period of time, they remain there because it's a lot easier to keep them there rather than to place them in a more appropriate program.

I would strongly support some of the comment that were made by the earlier panel as to who will do the planning and the evaluation; the very real need for the participation of the parent and the teacher. I would also make some recommendation at this point, with reference to the development of the individual plan. I would strongly suggest that some thought be given to putting into this program the theory or process of ombudsman, for advocacy of the rights of the child.

It is always so difficult to put a parent in a school with a commissioner and a school representative, a teacher, facing all of the highly trained personnel in a room, and have that parent try to really explain what he believes his child feels and his child should do.

I further recommend to you that the concept of the advisory committee be reconsidered, and I have tried to give it some thought as I listened to it—the point of view of the general broad term of "committee," rather than "advisory committee." Having worked as the Director of the Office for the Handicapped in New York City, I can very well testify to what are the stumbling blocks and what are the many frustrations for all involved. It would seem to me that the persons selected for this committee might very well be half appointed by either the Governor or the commissioner, and half of them appointed or nominated, or placed into the group by the professionals and the parent groups, or the handicapped themselves. The scope of this committee should not only be in terms of determining what are the needs that have not been met and how to meet them, but also build into it in some way, the function of either advocacy or ombudsman,

because, as you very well know, Senator, although legislation may be on the books, and although there may be provisions for enforcement, it is often a long time, and there are many bureaucratic loopholes that exist; so that an advocacy or ombudsman function for this committee is most, most necessary.

I would then say to you, sir, that we very strongly in New York support your bill, for it will not only assist the city in its desperate financial need, but more importantly, it will assist the education of handicapped youngsters who are not being served today, who have not been found, and who, 20 years from today, may perhaps, as myself, have the opportunity to sit before you on other advanced bills, because if it were not for the kind of education, the socialization that I personally received, I would not obviously be in the position I am today, and I do thank you, Senator, again.

Senator WILLIAMS. Well, we certainly thank you, and Mayor Lindsay for having appointed you, and then having you appear for our session this morning.

Thank you very much. You have been very helpful. There seems to be a good partnership between the State and the city in this one area.

Ms. FIORITO. In some respects—overtly, yes. When it comes to push and shove, there are times that it is not, but it is better than most States, I would venture to say, and we are very much working toward it. Part of the reason the mayor had this office created was to really begin to improve the partnership. The community and the coordination between the handicapped people, the parents of handicapped, the citizens, between the agencies that provide the service in the volunteer sector and the agencies within government, city, State, and Federal, so that these groups would begin to meet together to review our policies and their policies, and say where and how improvement should be made, and then develop joint action to do so.

Senator WILLIAMS. Thank you again.

Now, who remains? Dr. Mullen.

Dr. MULLEN. Thank you, Senator Williams. I appreciate the chance of coming to Newark and to testify before this committee on S. 6. From our point of view, the bill does two things—at least it does one thing, which many bills do, but one other thing that most of the bills do not do. The bill does provide an input in dollars, and it also requires an output in progress, and I think this is one of the many things that we have not in special education actually done. We have been willing to accept dollars, we have been willing to say that we have programs, but we have been unwilling to say as to whether they have made any progress with regard to the youngsters.

I would like to say that, in Maryland, would mean that we would require an additional approximately \$53 million beyond the \$29 million now supplied by the State in order to fully meet the needs of an anticipated 164,000 children from ages 3 through 21.

IDENTIFICATION OF CHILDREN

Now, while one throws figures like that around, I'd like to add immediately that figures in special education, in terms of who should be served, as to where they are, or even the cost of the programs in the

local systems, are hard to come by. We have this year, and the past 2 years, tried to establish a data system for the handicapped. It was an attempt to get six State agencies together who are working with children for identifying children that have handicaps.

It would be the Juvenile Services, Mental Retardation, Department of Health, et cetera. The attempt was to come to some agreement as to who we want identified, how can we identify them, and who are we serving, and so for the first time come this June, or the end of May, we will have statewide, at least on a first-rung basis, all children who have been identified as handicapped by any of the agencies, local or State, or hospitals. It might be the first chance that we have to really find out what our problem really is. And I think this is one of the suggestions that we would make with regards to the bill, that one requirement be placed in the legislation that the systems or the States do, in fact, establish a system of identifying children who are handicapped, regardless of what agency, and we feel that this can be done, and I think that we are successful in Maryland, at least, in getting started.

DEFINITION

I'd like to also suggest that contrary to earlier testimony, possibly, the Maryland legislation that was presented to the Maryland Legislature this year is very similar to that which is being suggested in S. 6. It requires, as S. 6, identification, diagnoses of all the children—that is, identifying of all children, diagnosis of all children—and a programing for all children. However, it may have one of the problems that possibly Senate bill 6 may have, and that is in the definitions that are used. For example, in the State at the present time, the present legislation, we are using "mental, physical and emotionally handicapped."

The new legislation which was proposed would be broader than that, and this caused much of the conflict. They were to be identified as special educational needs. It did not indicate a mental handicap or others. The broadness of such a definition, I think, is such that I believe that you'll never get to the point where you'll find out what the output in progress is or what the results of the input in dollars are, because there are many children who have severe learning disabilities and there are children who have severe emotional handicaps, but what school people do, and others do, is to proliferate by various other kinds of diagnoses, so that you never get to the problem of the children who are severe learning-disabled or severe emotionally handicapped. It seems to me that either by the Federal regulations that would be developed as a result of this bill, or within the bill, that this should be pretty well tightened down, so that you can be assured that the money you're putting in is getting the results that you have desired.

COSTS

As far as cost is concerned, we have in Maryland a considerable difficulty in finding, really, how much it costs. I know we put in \$29 million. The State Board of Education, by resolution, has mandated that starting this July 1, that all systems, local systems, shall provide the same level of service in dollars for the handicapped child as they do for the normal child, so in other words, the average current

expenses of the local dollar for the normal child shall be equally applied to that of the handicapped child. In trying to find out, now, whether these systems are, in fact, putting in dollars, we found the average costs, or the costs range in the systems from \$642 to \$3,000 per child.

I think one of the problems with regards to the costing out is that there is so much prorating of time, and in-time service at home, children who are spending only part of their time in school, that we are getting a very distorted view as to what the cost actually is per youngster, and it seems to me that one of the things can be done within the Senate bill is to assure, as I think you have in part, that there be a cost accounting system of some unified system established, so that we can finally get reliable data and comparable data, so that when we talk, you know, about how much money is needed for the programs we know what it is.

One other problem that we have, which the bill does not address itself to is the matter of training in the personnel needs. As I read the legislation, it is for the provision of programs for children, which is great, but if we're going to try to establish programs for all handicapped children in 1976, which, frankly, I think is a bit ambitious—even if we were, we would have to do a massive training of personnel or retraining of other personnel in order to accomplish it. It would seem from our point of view, for example, just making a guess on our own personnel, we have approximately in Maryland 5,100 teachers actively involved in teaching handicapped children—this is just private schools. If we were to meet the need of all the other children that could be identified, we'd need 5,900. We need time, we need money, or—and possibly in this bill—some provision that training funds are available.

I said I'd keep it short, and I'd like to stop right there.

Senator WILLIAMS. Could you just give me your observation on the present Federal support of personnel training for education of the handicapped?

Dr. MULLEN. I don't know what the total figure is. I know that the State of Maryland, out of title VI, part (d), receives about \$120,000. That \$120,000 has been used to train what we would call diagnostic prescriptive teachers.

One of the documents you have there is a continuum of special education services. We believe in keeping these children in the mainstream of the program in the public schools, and not segregated, as they are now doing in most places. By doing this we need diagnostic people who can prescribe and work with youngsters as well.

We have, in the last 2½ years, trained with that money 350 such teachers, but that's only during the summertime, and one of our problems is that the requirements of a person to be a good diagnostic teacher is such that we can't do the job in one summer, and so we have had that amount. But I think that \$120,000 that comes to the State, if I'm correct, is 20 percent of the total allocation; 80 percent, I believe, goes into training institutions, universities, colleges, and so on. I think that's right.

Ms. FIORRO. Just to make a comment on that Senator, and reinforce the fact that the bill that you are proposing espouses integration of

the youngster insofar as it is possible, provisions either in this bill or in another bill must include the training of teachers who are now in the system, in the regular education classes, to be able to work with the youngster, or youngsters, or in the classes, or in the integrated classes.

In the city of New York I know there's a special program with limited funds. One of the difficulties of integration of handicapped youngsters in program with normal children is the fear of the teacher as to his own attitudes about the child, as well as his feelings of inadequacy about being able to teach the child, who may need slightly, or some additional specific skills. If, in some way, a part of this bill could address itself to this particular thing, or if another bill, in some way, or some part of an education bill could be written to provide funds to local communities for the training of not only teachers in special education, but in addition to that the training of teachers who would take in children in the normal classes where the children would be placed, I think it would have some tremendously important assets and values.

Senator WILLIAMS. Thank you.

We have two of you who have not spoken. We have heard from your associates, and may we have your full names. Mr. Russell?

Mr. RUSSELL. I am Robert Russell from Glen Rock, N.J. I am chairman of the Advisory Council in the Education of the Handicapped. I wear many hats. I'm representing the advisory council here today and I'm a parent of a young handicapped adult, aged 25, who is a good example of what happens when appropriate services are not given. My daughter, Janet, is completely dependent on us at this time, socially isolated, and bordering on psychosis. I'm also a school psychologist and director of special pupil services in Northern Valley Regional High School District. You might say I'm a rather biased professional in this area. I feel that you and your staff has done an excellent job of putting this bill together. It duplicates almost entirely what we have in New Jersey. In fact, I believe that in the many meetings we have had in our advisory council, going over procedures and rules and regulations, you have covered just about everything.

In spite of our mandatory legislation in New Jersey, we still have large deserts in between the oases, and I find that in spite of the fact that legislation is mandatory, in that we provide for half of the cost to be paid by the State, we still find that local districts do evade and try to cop out, you might say, on doing their job. I feel that in this respect money is not enough. Enforcement, as other people have testified, is highly important.

SERVICES WITHIN THE LOCAL DISTRICT

I like the idea that you have covered the provision of including handicapped children with normal children. This is something that comes up in a perennial way. We have discovered over the years that handicapped children learn a lot from the stimulation of normal children, much as the old one-room school idea, that the older children taught the younger.

We have found quite a trend that as the requirement for providing special services comes into effect, when a child is classified and a label is put upon him, that the local district oftentimes does every-

thing it can to find services outside of the district. They feel the problem should happen somewhere else, that the child should be in either a State institution or in a county program, or in another district, and we find in many instances that they'll pay any price in order to get the child in some other place that's out of their supervision. We have found in this State the costs involved in paying for private education has increased geometrically since the passage of the Beadleston laws in 1966. I believe the first announced cost of private school and tuition was \$700,000, and it is now at an estimated \$15 million. I think this represents how much districts will pay in order to get these children out of their control.

I like the idea of the specific objectives and the individualized plan. This follows the parents' right to know, that a parent should be included in the process of what is involved, the classification of their child, and the placement of their child. There has been much written in this area that parents are too emotional to know really what their children need. I found this to be a fantasy in my own practice, that when parents find the right program, they will be satisfied.

I like the idea that you're reaching down to age 3. At a recent meeting of our advisory council we invited the various parent volunteer agencies, and they were unanimous in reporting needs of this level.

We also have a great need for programs in the young adult and the vocational programs for the older adolescent. There tends to be a diminishing of programs at this particular level.

TESTING

In going through your bill, there was only one area that I feel needs some comment. I didn't see any provision for the multiple disciplinary evaluation of children. This is something that is required in the State of New Jersey, and I'd like to offer this one experience that I had several years ago while working in East Orange.

A young man was placed in my class for the mentally retarded. After 3 months I found that he could do long division in his head faster than I could do it on a slide rule. A reevaluation after a year by myself surreptitiously—I wasn't supposed to do it—proved that he had an I.Q. of 110. In checking back through that, we found that he had been evaluated by an excellent psychologist—I had no complaint there—but they hadn't taken into consideration that he had only been in this country 6 weeks from Italy at the time that he was evaluated. Already he was speaking English as well as any other youngster from that section of town, and we have found that when one person is given the prerogative to classify a child, that many mistakes of this kind will be made.

So that I would underscore the idea that the classification be done by a multiple disciplinary team.

In New Jersey it requires as a basis the physician, school physicians, school psychologists, social worker, and learning development specialist, in addition to the special tests of audiology, ophthalmology, optometry, in order to come to this conclusion.

I'm happy to see that learning disability is included in the definition this time. I had been before this committee a few years ago, when

Senator Yarborough was chairman, in the interest of learning disabilities in 1969. I am quite happy to see that that is included.

Again, I would strongly urge and support your bill, and hope that it comes to fruition.

Thank you.

Senator WILLIAMS. Thank you very much, Mr. Russell.

All right, Dr. Carroll.

Dr. CARROLL. I'll be very brief, Senator Williams. I have presented my testimony to you, and my colleagues have summarized it. I would also only say that we're faced with quite a dilemma, when we read significant legislation such as Senate bill 6 on the one hand, and hear about promise for Federal revenue sharing on the other hand, and the possible conflict that I see in the two pieces of legislation, and I at some point would hope that at some part of this hearing we could at least discuss what appears to be two diametrically opposed procedures for handling the education of the handicapped.

Senator WILLIAMS. Yes, I would agree with the conflict. We're presented with a question of approach. Categorical definition of an area which I happen to support has been a traditional way of meeting needs. The other is to fold this effort into the whole broader defined area of education. I think Ms. Fiorito put her finger on it, that there will have to be competition for funds, and some areas will not be served as they should be under revenue sharing. That's the way I look at it.

Dr. CARROLL. Sir, if I might, I would agree with you and add that the present proposals for revenue sharing in Pennsylvania, at least, would result in substantially less total Federal dollars coming into the Commonwealth. At the same time our demand for services have increased, and as a result I see the competition for both Federal and State dollars increasing to the point that the most powerful voice, perhaps, will get the largest dollars, as opposed to the most worthy program. For that reason we are looking carefully at the whole question of whether or not we should support a reversal of the procedure of revenue sharing and continue our support of categorical grants. I think Senate bill 6 is worthy legislation, and should be supported as part of categorical aid programs, as opposed to revenue sharing.

Senator WILLIAMS. Well, I'm glad you offered that. I don't know whether you were here when I indicated I would like to have comments on this. It is very helpful because there will of necessity be hearings on this broader revenue sharing approach.

It has been very necessary and most useful, gentlemen, and we appreciate it. Thank you very much.

I'll announce the next panel, and then we will recess for 5 minutes.

The next panel are individuals representing organizations from New Jersey and other States.

Mr. Howard Blackman, Ms. Parthenia Smith, and Mr. Hollis Wyks, and Monsignor Hourihan will accompany this group.

Let's return at 15 minutes after 1.

STATEMENTS OF PARTHENIA SMITH, PRESIDENT, NEW JERSEY FEDERATION OF THE COUNCIL FOR EXCEPTIONAL CHILDREN; HOWARD BLACKMAN, CHAIRMAN, NEW JERSEY INTERAGENCY COMMITTEE ON THE HANDICAPPED; HOLLIS WYKS, DIRECTOR, DAY SCHOOLS FOR DEAF AND HEARING IMPAIRED; PATRICIA KOECHLIN, NEW JERSEY ASSOCIATION FOR RETARDED CHILDREN; MONSIGNOR HOURIHAN, MOUNT CARMEL GUILD, NEWARK; A PANEL REPRESENTING NEW JERSEY ORGANIZATIONS

Ms. SMITH. First of all, I'd like to thank Senator Williams on behalf of the New Jersey Federation of the Council for Exceptional Children for this opportunity to voice an opinion on S. 6 which deals with handicapped children.

As you know, education is probably the most important function of State and local governments, and virtually all State constitutions provide education as a fundamental guaranteed right. Legal sanctions can, and do so often, close the door to those who cannot compete in the race for knowledge, and the handicapped child falls in that group. Title VI of the Elementary and Secondary Act may have been responsible for much of the improvements in special education today. However, approximately 50 to 60 percent of the school-age population of the handicapped children are not being served under these laws now. They fail to recognize that these children require additional care and services. Handicapped children are "Children-Plus," and we, including the educators, professionals, parents, and legislators, must try to protect these legal rights accordingly. Many believe that mandatory legislation is needed to accomplish their goal.

Article VIII in section 4 of our New Jersey Constitution provides for free public school instruction for all children between the ages of 5 and 20. However, New Jersey needed something in addition to this, which is title 18a, chapter 46, which mandates special education programs and services for all children classified as handicapped. Since this mandated legislation, there have been changes in public attitudes toward greater acceptance of handicapped children into our educational programs.

Now, we have heard a lot of talk about handicapped children, but before I go any further, let me refer to, or give my definition of what I mean when I say handicapped. It is a child who is impaired physically, emotionally, intellectually, or socially to an extent that he requires special facilities, special professional staff or special methods of instruction in order for him to function, either educationally or socially in our society.

Mr. Russell, before me, mentioned our new law and how it makes districts provide for an evaluation. New Jersey, thus, requires that the handicapped child, once he's identified, must have a complete evaluation, and this includes the services of a school psychologist, school social worker, a learning disability teacher-consultant, medical examinations and any other specialist such as a neurologist, psychologist, psychiatrist, special correctionist—anyone that can add to the assessment and recommendation of a handicapped child. Not only does the State of New Jersey provide for the evaluation, but it also provides for a child study supervisor for a county, and this is to help implement the statutes and regulate within the county the laws that are there, and to prevent careless labeling of children. Sometimes the team may make

a recommendation, but we're overseen by a county child study supervisor, and also a county team, so that we don't make as many mistakes as some other States in labeling children.

Now, once the child has been identified, once the recommendations are written, our title 18a, chapter 46 provides for supplemental instruction, where the child remains in the regular class and the child receives additional services, depending on his classification, with one classification in one class, they're not mixed all in one.

Resource rooms, or learning centers, sheltered workshops, and privately-operated nonpublic schools—but again, these must be approved by our Branch of Special Education and Pupil Personnel Services. So again, the education of these children is overseen by the State.

Now, in reviewing the education of many other States, I'm proud to live in New Jersey, because New Jersey has taken a leadership role in making sure that all of the children that are handicapped receive an education.

The HEW Bureau of Education for the Handicapped, has shown that an average cost of educating the handicapped ranges between \$400 to \$800. It also contends that educational programs conform with current philosophy that the Federal Government should play a catalytic role in their education, and that the programs have to be implemented at the State and local levels. The Bureau also is responsible now for programs under the Education of the Handicapped Act, and these programs are needed, such as pre-school programs, deaf-blind centers, early education, and centers for specific learning disabilities.

Now, the Bureau could extend its services and would under S. 6, which would include the State of New Jersey, and improve the quality of our services and our programs, and it could further assist some of the States that presently have no legislation at all, that would mandate education for our handicapped children.

One of the areas in New Jersey that I feel the bill could help would be in vocational education, but vocational educational programs designed to accommodate the more severely retarded or handicapped child. There are those handicapped children that can fit into the regular vocational programs with the assistance of teachers but for the severely handicapped child there is very, very little that is being done for these children, and I think that is a very important and needed area.

S. 6, introduced in the 93d Congress by our Senator Williams, would help the HEW Bureau fulfill its purpose. A bill is needed to direct the States to allot an amount of money from special revenue sharing funds to assure that this education would happen. Many of our local districts just don't have the money or the resources to accept the financial responsibility of educating their handicapped, and under the proposed bill.

Sections 4 and 5, it allows for grants to be given equal to the additional expenditures above the normal per pupil expenditures. The Bureau could also offer assistance in developing educational opportunities for all children, so that States could come in compliance with this bill.

But even if we have the money, we have to have training programs for the professional staff that's going to work with these handicapped children. It's just not enough to classify them and provide the pro-

grams. There must be additional funds given to our education so that we can assure that the most qualified personnel can be placed in these classes for these children. Handicapped children are a reality, and the same rights of all the children must be guaranteed these children. The Federal, State, and local legislators must protect their rights and pass legislation such as S. 6, which will mandate services. I only have one suggestion: that we review the training of people to work with these handicapped children. These services will enable all handicapped children or adults to function effectively in our society.

And that's all of my speech, and all I'd like to say is, we in the State of New Jersey now are going to wait patiently for your remarks—you're listening to us now, and on May 12, in Trenton, we're going to listen to your remarks, when you come to speak to the council for exceptional children.

Senator WILLIAMS. What I'll probably do is just quote what you just said. The problem of professionally trained personnel, teachers with the additional training to meet these needs, is a very, very grave problem, I would think.

Ms. SMITH. That's right.

Senator WILLIAMS. You know, I understand that there are an awful lot of unemployed teachers, that there are more teachers than there are jobs these days. It would seem to me that this could be a reservoir of fully trained people ready to take the extra training for this.

Ms. SMITH. Yes. Well, I think that's one of the main things. We have a lot of unemployed teachers in social studies, physical education, English, but the only thing is that they become very frustrated when they're presented with the child and they have to teach that 1 and 1 is 2 for three weeks, and they come back and the child still cannot remember that 1 and 1 is 2. With them being frustrated it only makes the child that much more frustrated. It is not as simple as transferring a teacher from one subject to another. But if we could take some of the teachers who are really interested in working with the handicapped, and if we had some kind of money that the States could train these teachers who are already teachers—they have a background—they have the patience, and they really would like to do this—but financially there is just no way that they can leave work and go to school. This would help us very much.

But we do need trained people who have some kind of insight into what goes into teaching a child that 1 and 1 makes 2, when he really doesn't have the concept of 1 and 1, or how to socialize within a group of his own peers, when he himself has a low, low conception of himself, he really thinks he is at the bottom. So how would the teacher deal with this kind of child? This is really the kind of teacher we need, and people like myself, it's taken me 10 years to get to the point that I can work with these children. But we need someone who is not just going to base it on experience, they're going to have direction, and this has to be done through higher education.

Senator WILLIAMS. Thank you.

Mr. Blackman?

Mr. BLACKMAN. My name is Howard Blackman. I represent the New Jersey Inter-Agency Committee for the Handicapped, which is a coordinating body of several nonprofit health organizations in our

State concerned with the rights of the handicapped. For the record, member organizations include the New Jersey Association for Children with Learning Disabilities, Spina Bifida Association of New Jersey, Easter Seal Society for Crippled Children and Adults, New Jersey Association for Mental Health, New Jersey Council of Organizations and Schools for Emotionally Disturbed Children, New Jersey League for the Hearing Handicapped, New Jersey Welfare Council, and the United Cerebral Palsy Associations of New Jersey. Most representatives of individual member organizations are here today, some of them are present at this table, and will be available at the conclusion of the testimony for any questions that you might want to direct to them personally.

I'm pleased to testify in support of Senate bill 6, and I think at this point there is enough documentation before your committee, Senator Williams, which indicates that their right to a free public education has been denied for a variety of reasons, none of which are acceptable to the consumer groups that are represented on this committee. I would like to ask at this time that the testimony submitted to you earlier on behalf of Inter-agency be included in the record. Because of all the testimony that has already been given, I would just like to summarize some of the points and some of the unique facts that we think are relevant to the State of New Jersey.

Senator WILLIAMS. Fine.

Mr. BLACKMAN. You have heard earlier from several groups, which indicated that New Jersey has presently very progressive legislation that mandates a wide range of services for the handicapped in New Jersey. I know you, Senator Williams, are aware of Senator Beadleson's very fine work in our State for advocating all of the legislation that increase the educational opportunities for our children in the State, and yet you have also heard testimony which suggests that with this wide range of mandated services there exists a gap in the State of New Jersey that we consider unconscionable and a devastating gap, even with mandated local and State legislation.

We didn't want to come before you this morning to play a numbers game and cite the statistics in terms of the percentage of the total school-age population that is considered handicapped, the potentials, and the ones that have already been identified. You have heard testimony before the State Department, which indicates that there are approximately 200,000 handicapped children in New Jersey. I imagine that's using the general formula that there are approximately 10 percent of this total school-age population that probably have some kind of physical or mental handicap, and that's based on a figure of 2 million students, school-age students, in New Jersey public schools. Yet because of the urbanized nature of the State of New Jersey, the incidence of handicapping conditions, of course, are far greater than the basic 10 percent.

We in the Inter-agency feel that there is much closer to 300,000 handicapped children in the State of New Jersey, and yet it has already been admitted that there are approximately 125,000 identified handicapped children enrolled in some kind of public school education. Now, this gap would suggest, again, that even with the long-range and far-reaching mandated services that we have under existing legislation, it's not enough. Our testimony *in toto* really supports the testimony

given by Carolyn Heft, which implores the Federal Government, the committee, to have very strict accountability for the funds that you will be giving to the local and the State governments for the education of the handicapped.

As you indicated in your address, Senator Williams, to the U.S. Senate on January 4, 1973, our charitable attitude toward the education of handicapped children, of course, would be rejected flatly if we were talking about any other children, and we heartily concur with that. As it is, handicapped children even currently pay a terrible price for being educated, the price of segregation, the price of being transported to these segregated programs in easily identified buses, which automatically marks them as being handicapped in some way, and many of them have paid the price of their dignity for the services that they get now.

In S. 6 we find that the Federal commitments in the Federal law that our Government recognizes the rights of all handicapped children to a free public education.

We would like to point out some very specific kinds of things in S. 6, and direct questions at you, so that nothing is left implied, but everything is in specifics.

If the parent groups who are represented on the Committee seem a bit skeptical when it comes to various new legislation, it is not without good reason. We heartily are very appreciative of the term "individualized written program," which we think is very far reaching. We had hoped it would be, again, very specifically delineated in terms of what we mean by impartial due process, because, as Mr. Russell said, many of the things that are mandated in S. 6, many people can say, "Well, we already have that in the State of New Jersey."

Now, the individualized written program I think is a step in the right direction, although the child study teams in the State of New Jersey are already mandated with the responsibility of giving to the parent an interpretation of their evaluation findings and reasons for special class placement, the interpretation is not written, nor is it specified as being oral. Many of the local child study teams may sit down with parents and orally explain their decisions, and many times groups such as ours get calls about questions regarding placement, and we ask them, "Well, what did the child study team say to you?" and they often say, "Well, I really don't know. You know, it was very brief. They sat down and explained it, but I left the conference more confused than when I started."

And we make the recommendation, "Well, ask your child study team to put down in writing the very specific objectives that they have for your child, in terms of where he's going to be, not tomorrow, but next year, and in terms of the instructional objectives."

Often child study teams refuse this request.

So we had hoped that that would be very clearly spelled out, that parents are entitled to a written interpretation of the findings of the child study teams.

Senator WILLIAMS. That's in there. We evidently heard from you before we wrote the bill, because that's in there just as you indicated.

Mr. BLACKMAN. Right. But there is one part here that we would like to get a clarification from the Committee, and that's an oppor-

tunity for the parent or guardian to obtain an impartial due process hearing, and examine all relevant records.

Now, again we come into a problem of interpretation here. Who is going to determine what is relevant? Is it going to be the parents who determine what is relevant? Is it going to be the school district that determines what is relevant? We would make the recommendation that that word "relevant" be stricken, we hope, and perhaps just leave "examine all records." We think parents have that right to examine all records that are relevant.

Senator WILLIAMS. You use the word yourself.

Mr. BLACKMAN. Well, we think the entire, you know, the entire file, or the entire decisionmaking process should be open to scrutiny. And we would, we should hope that the Committee would review that very, very closely.

Senator WILLIAMS. Yes. I think that's a good point—examine all records with respect to the classification—that makes sense. Without objection, we would amend that.

Mr. BLACKMAN. Thank you.

We, of course, support the accountability that is listed in S. 6. Very few parents at the present time are aware of the educational objectives that teachers and administrators have for their children. I think that's why so many of our youngsters graduate at age 20 or at age 19, or at whatever age they receive their high school diploma, still unable to enter the job market in a productive manner.

Just to summarize, that for all those concerned with the cost of providing educational programs mandated by S. 6, we would ask this question: How much did it cost us not to provide such services? We maintain that early intervention, which gives our handicapped the opportunity of being providers and not consumers in adulthood, is far less expensive than custodial services.

We invite you to examine the cost and benefits involved, and we know that we're really not directing this at the right audience, because many of you agree with us, but very often we go around the State speaking to groups about how much cheaper it is, you know, to provide intervention rather than approach it from a custodial point of view later on, which means doing nothing. Yet no one has accused our large State institutions of being economical. No one has suggested that welfare alternatives are economic solutions. Yet the alternatives of non-education often is welfare, is institutionalization.

We are suggesting that S. 6 is an investment in human capital, and we also suggest that it is fiscally more responsible to view S. 6 not as a mere expenditure, but investments which produce substantial returns.

Senator WILLIAMS. If you have any figures to build that statement out, we could use them and appreciate them.

Mr. BLACKMAN. Sure.

Senator WILLIAMS. I had some in my opening statement this morning.

Mr. BLACKMAN. I would refer the Committee to a very recent editorial in the Record of yesterday, which addresses itself to the community health centers which are being closed down at the present time, and I wasn't aware of a startling figure, and that's that when this legislation was introduced which established regional community mental health centers—there are currently 12 of them in the State

of New Jersey—that we had a 6,000 population at Greystone State Hospital in New Jersey.

Senator WILLIAMS. Yes.

Mr. BLACKMAN. Since that regional health center has opened, there are now 2,000, a population of 2,000 patients at Greystone State Hospital. You know the cost of maintaining this population unit.

Senator WILLIAMS. Well, this is one area where the President in his statements has recognized the effectiveness of the community mental health center. In fact, it's been so successful, he found, that it's unnecessary for the Federal Government to continue its contribution, because it's his conclusion that the community will pick up this very effective program.

Do you follow that line of reasoning?

Mr. BLACKMAN. Yes.

Senator WILLIAMS. What did the Record say about that?

Mr. BLACKMAN. They just pointed these figures out as substantiating the returns of the municipal mental health centers.

Senator WILLIAMS. But did they offer any observation as to who is now going to continue these most effective programs of community health centers?

Mr. BLACKMAN. No. It was their suggestion that no one will. They suggested that letters be addressed to our Congressmen and the President in terms of supporting this legislation, which seems to be falling by the wayside at the present time.

Senator WILLIAMS. In your situation, Ms. Smith, the one you mentioned in Bergen County. Will it continue this as is, if it loses Federal support?

Ms. SMITH. No.

Mr. BLACKMAN. Well, again we point to the cost of not implementing S. 6, of not implementing S. 6; increases in welfare, institutionalization, unemployment and underemployment, and all the other social pathologies that were referred to before. I think it should be clear at this point to all human growth and development practitioners that we pay a terrible price in both dollars and human anguish by failing to adequately perform our responsibilities.

Senator WILLIAMS. Are there any reporters here from other papers? You can quote the Record.

Mr. BLACKMAN. We conclude our testimony with a recent article written by Inter-Agency delegate Robert E. We'ar, in "Amortization Schedules in Human Growth and Development Investments," where he very specifically, case-by-case, substantiates that it is far cheaper to our society, our Government, to implement such services than not implementing them, and that the cost of noneducation is a terrible price.

Thank you.

Senator WILLIAMS. Thank you.

Mr. BLACKMAN. Senator Williams, if I may make one final observation, in terms of the discussion on general revenue sharing, the Inter-Agency Committee is holding a meeting immediately after the dismissal of the testimony hearing on the very topic of general revenue sharing, and your staff will be present at that meeting to explain

various ways in which our organizations can be aggressive in a local and countywide level to secure sufficient fundings.

You know, many of the parents and many professionals have called upon us because of the confusion in this general area, and many people are not aware that checks have already been received by the local municipalities and the county governments. Education may not be part of the priorities, but health is, and I think many of the programs that we sponsor fall under the category of health, and in much of the correspondence that I have had with communities they have suggested that a lot of revenue sharing money has already been spent on things like fire trucks and putting new sewer lines in; but when the suggestion is made, "Well, now about a health care program that is currently being sponsored?" They generally refer to their health department. That's the problem with revenue sharing, that many of the health departments at the local level are staffed, you know, with half a person, and they don't really recommend specific health programs. It's very difficult for our organizations to be aggressive at a local level, when there's no one really responsive to the needs of the handicapped.

So we invite all interested people at the meeting to be held.

Senator WILLIAMS. Now, who is next?

Mr. WYKS. Senator, my name is Hollis Wyks. I'm wearing two hats, I imagine, today, like many other people. I represent basically and specifically the education of the deaf.

My written testimony seems kind of bland, now, to maybe the emotional aspects of the deaf. I did cover in this that we have had a great deal of national media coverage with regard to equal education. Just this past week here in our own State of New Jersey we had an opinion known locally as the *Botter* decision, which upholds the right to a thorough and efficient education. I also mention in my testimony that we look, on a national level, at the advocacy of the Bureau of the Education for the Handicapped and what it has been able to do for our field. Particularly I bow to Mrs. Forsythe and her staff for their work on the subcommittee and your committee, and also the National Advisory Committee for the Deaf. These group of people, BEH, have been a big help to us out in the field, so to speak, where they are performing this service for us at a national level.

Locally, the Katzenbach School, which is serving a little over 600 pupils, continues to provide a comprehensive program of education. I think you can see that through a concentration of effort, both monetary and professional, it makes for a program worthy of replication for the rest of our State and possibly the Nation. I might point out it is an accredited school, and it is allowed to issue diplomas.

My directing job as director of Day Schools for the Deaf and Hearing Impaired is a new job, just under a scant 9 months—perhaps I can liken it more like a woman in labor, in the 9 months things can get highly nervous—we have identified approximately 1,800 school children in New Jersey who suffer this handicap, which is a low incidence of the handicap itself. Now after the last Rubella epidemic of the sixties, we find ourselves at a critical point of time, I think, again in New Jersey. For instance, this coming September, 33-plus percent of all of our children who are deaf will be between 8 years 2 months and 9 years 2 months in age, and an additional 16 percent of the same group, of the 1,800, will be 1 year older. In effect we have 50 percent of our

children in New Jersey who are suffering from deafness and hearing impairment, who require special needs and special education, under the age of 10. So your bill comes at a very critical and very crucial time for us.

On the local level, I point out that we service a local district such as the city of Newark, where we are now, Camden, Elizabeth—these are larger metropolitan areas. We also serve some of the small towns like Morristown nad Toms River. On a regional basis we have been able to work within larger districts, such as the Bergen County Board of Special Services, which is serving, in essence, three counties along with the county of Bergen, and in Neptune we serve Ocean and Monmouth Counties, and in Vineland we serve the county of Cumberland, and of course Atlantic and Cape May Counties. At the State level is the Marie H. Katzenbach School, which is residential, and also a local day school program in Millburn, which serves 47 school districts from 6 counties, and this is a major undertaking when it comes time to talk about funding and efforts of professional programs and curricula. On a secondary level, the State will begin its first day school secondary program May 1, with Passaic Vocational Technical School. We also have one of a smaller size in Cumberland County in this vocational technical program. The interesting thing about Passaic County will be that it will be an 11-month program for the hearing-impaired child above the age of 14.

We also are at present working very diligently and expect, fully expect to be operational coming September on a postsecondary level in Mercer County Community College. I might point out here it is a type of advocacy we talked about before, that our base for going into Mercer County College has drawn a lot on the knowledge already gathered from Delgado in New Orleans and the St. Paul T.V.I. in Minnesota. These are programs which were funded previously for postsecondary education for the deaf, and of course the National Technical Institute for the Deaf in Washington.

I'm very happy and very fortunate, I think, to be working in the State of New Jersey, and I recognize many advances that have been made in the area of the handicapped. We have a very responsible legislature and Governor, which has encouraged my office to provide state-wide curriculums in in-service training of students, sequential movement of students, and dissemination of information for everyone interested in the field of the deaf, and I think more importantly, the initiation of some parental options in terms of educational programs that heretofore were not readily available.

Additionally, Governor Cahill is signing a bill for a model regional school for more assistance to the handicapped.

Now, not all States, I think, will come forward and join us in efforts of this type. I believe this is where the real good lies in your S. 6 bill for a major thrust in the effort of the education of the handicapped, what I believe Dr. Ringelheim has already stated, must be in the area of requirements for eligibility. I think this is very, very important.

If I may, I would like to read one last paragraph in my written testimony as follows:

The education of the handicapped is expensive, and, to be candid, the deaf come close to the top of that list. And yet, at an average na-

tional cost of say \$5,000 per year, over a 20-year period, that one could conceivably spend gaining an education, any State must consider this an investment in providing itself with employable, contributing members of its society, and consequently to that of a strong and viable nation.

It is this knowledge of the capabilities of the deaf and not compassion that brings me to request your support of this bill for increasing the funding and scope of the education of the handicapped. Like many, my interest is in the education of our Nation's children. My concern, however, lies with the efforts on behalf of the handicapped, and to devote less than my full energies to seek your help for the deaf child would be to turn my back on the very people to which I have elected to devote my career.

And I thank you, Senator.

Senator WILLIAMS. Thank you very much, Mr. Wyks.

Ms. PATRICIA KOECHLIN. I'm director of the New Jersey Association for Retarded Children. Mr. Blackman, of the Inter-Agency, has already spoken for our group. We're a member of the Inter-Agency. I would like to make a few comments, though. I am very encouraged by the fact that you placed 3-year-old children in this legislation, because we are very concerned about the importance of early education for handicapped children.

I also like the feature of putting children as much as possible in the mainstream of education. Handicapped children, I think, should be, so far as it is possible, with normal children, and I concur with what Ms. Smith said before, there must be a way found to make sure teachers are interested enough so that they're not just ignoring those handicapped children when they get into the classroom. I think those of us who have been in the classroom realize that even small abnormalities are ignored, and I think this will continue if certain safeguards are not provided.

Senator WILLIAMS. Yes.

Ms. KOECHLIN. The other comment I would make is that certain references have been made as to how many handicapped children are being educated in New Jersey. I think those of us who are close to the situation realize that many of them are inappropriately placed despite the safeguards that have been taken, and I think that inappropriate placement is, like all other misfortunes, more common in cities like Newark and the poor cities. We hope our Supreme Court decision will help that by making more even distribution of educational funds available. But I think we can't overlook that, when we give numbers, we have to be aware of the inappropriate placements, too.

Senator WILLIAMS. Thank you.

Monsignor Hourihan, are you going to put the benediction upon this panel?

Monsignor HOURIHAN. Senator, it's again a distinct honor to appear before you, because it is widely known that you have espoused the causes of the forgotten groups of our country, the migrant workers, the aged, the handicapped, and other such groups, and it's your courage in championing such causes that really makes us proud of the fact that you are our Senator from New Jersey, and we are proud of lawmakers like yourself who, in the tradition of Senator Hill, have hammered out legislation to help in the serious problem of edu-

cating the handicapped. Education is an important factor in the pursuit of happiness, and it's a realizable goal now only because of what has been done for the exceptional child.

I'm not going to refer to what I outlined into my testimony, because it presents historical prospective. I feel in talking to S. 6 we have to have a frame of reference, and see in it the historical prospective that has gone on in the last decade. We do want to say that much has been done before, but there's much more yet to be done, and once again we hear you hammering out legislation, and it excites us, because it comes to grips with the basic problem as outlined in your stated purpose of the bill, namely the rights of the child to an appropriate education and its cost. You're not a dreamer, and you are realistic in terms of how you presented this bill.

Before commenting on the importance of the legislation, I would like to make two statements:

One is that as a member of the American Speech and Hearing Association, we would like to see the definition broadened in terms of speech impairment to include speech and language impairment, for the reasons that I put in my testimony.

The second thing is that in the law itself there is a formula that's presented for the basis for funding, and in that formula reference is made to the ages of 3 to 21, and I am fearful that some people might miss the thrust of S. 6, which to me is not limited to ages 3 to 21, but takes in all children from the time of identification. I would not want to see people understand that 3 to 21, as it's written into the law, really refers to the formula that you're trying to develop as a basis for determining how the funding should go. Some people will read it, as I heard one person make a statement this morning, delighted to know that this law deals with children down to age 3. I see the law as continuing the precedent established under the Handicapped Children's Early Education Assistance Act, which went down to age zero.

Now, this is very important, and I would like to see the wording clearly stated in such a way that the law will not exclude children under age 3, because the reference of 3 to 21 appears in one section of the law, and people might think it refers to eligibility for children of the program, and I can see a misunderstanding arising in State departments if they read this and think that the limitation is between 3 and 21.

There is, as you know, there is ample evidence in terms of the need of children under age 3. We had the Early Education Assistance Act, and all the testimony that was presented at that. Dr. Sam Kirk who was at that time Chairman of the National Advisory Committee for Special Education, indicated himself the importance of going down to zero, the point of birth. Really, what it comes down to is the time of identification. The Gardiner report that came out of the National Conference on Education of the Deaf—and Mrs. Forsythe was out there—when the emphasis was made on the importance of the zero-to-3 period, especially with deaf children, because of the need for language stimulation at that point. A deaf child without this special education before age 3 will not have a vocabulary, whereas a normal child, his peer, has a vocabulary of about 1,000 words.

So we want to make it very clear that there might be misunderstanding as far as the way the law states 3 to 21, and as long as we could have

some understanding on your part about our need to have this law continue the precedent established under the Handicapped Children's Early Education Assistance Act, then we would feel very happy and very secure that all that has been gained so far by these 70 models established across the country will continue.

NONPUBLIC SCHOOLS

There is another point that I want to address myself to: Certainly we all believe in the importance of this legislation, and we feel that if the legislation itself in which you talk about these funds being channeled down throughout the States, that there may be a problem in terms of the tremendous innovative approach that can come in special education from nonpublic institutions. Our great concern is that people may forget that in the early days of education it was the parents who started private schools, if you want to call them private. They were nonpublic, because certain educators said, "Your child doesn't belong in a public school." There was one famous educator who said, "Educable children do not belong in the public school," and so the parents went out and started their own. Such schools were started by parents or dedicated teachers in our society who had values which motivated them at certain times to go out and fight for what they want, and they set up nonpublic schools conducted by dedicated groups of teachers and professionals. My concern is, that when talking about these schools, and the Federal funding going down to the State departments, that we should make some statement at a certain point in determining that certain percentages of these funds should go into nonpublic education, because nonpublic education is really, in a sense, a spur in certain areas on public education.

The dedicated men and women in the special education field will tell you from time to time about the lethargy and indifference that they experience in certain areas of public education, where people could care less about what is going on for handicapped children, for various reasons, and in those areas we see that nonpublic education presents an opportunity to show what can be done, and then those dedicated men and women in our public education system can say to the powers that be, "Look, it is possible. There is a program. You can get people, and this can happen." And then public education is stimulated and goaded sometimes, and spurred on to do something about it.

I mention this because, to me, nonpublic education has a tremendous contribution to make. It made it in the beginning of the early days of special education. It still has the opportunity to make it today, because men and women who work in the public domain are caught up in a bureaucracy of the Government, and it is very difficult for them. Even though they want to be innovative, even though they want to be creative, to buck the bureaucratic structure, to get things happening, sometimes it takes years for them to get a creative idea off the ground. Sometimes some of them lose their job because they had a creative idea, and if you don't have a nonpublic sector involved in the education of the handicapped child, I think public education will be the loser.

Senator WILLIAMS. We think it's in there. Monsignor. It might not be quite your concept of full inclusion, but we think it's in there—we'll go through that later.

Monsignor HOURIHAN. All right. I would greatly appreciate it, because I think its a critical issue in terms of what public education can get from nonpublic education. Not that nonpublic education wants to take over the role of the responsibility of the State, but that nonpublic education can make a tremendous contribution.

There are other things that are in the testimony itself, but I do want to bring up a point that was made this morning by the parents, and I want to compliment you for having the parents talk first, because we who are the professionals, who generally don't have children that are handicapped—or don't have children.

Concern for handicapped children, whether in public or nonpublic programs, really means concern for their parents, and it is significant that you have cut out a role for the parents in S. 6. Now, this is to be highly commended, because it reflects the trend in recent years. In the past, some educators gave the impression that the school was their private domain, and parents were contained in PTA cribs, or cages, whatever you want to call them, and that's where they were allowed to function, or the equivalent of those PTA cribs. However, with the new age here, parents have a more active and effective role in school programs.

Dr. Lowell, an outstanding authority in this area, addresses himself to this point, and stated that educators may have difficulty in making the parents believe that they, the parents, are truly wanted because of the prior experiences some parents have had in the past with educators who make the parents feel that they were intruding into a forbidden area. However, parent involvement we must have, and the parent in a decisionmaking process we must have and you heard the appeal earlier this morning. Consequently, their inclusion in the all-important advisory board is to be commended.

Now, to repeat my opening remarks, I am honored by this opportunity to be here before you. I think a great deal of you as a person, and I know that you have accomplished a great deal, and S. 6 is an important legislation, because it not only recognizes the problem and the potential of the handicapped—and this is a point I hope everyone in this room will understand—but to me it also is important because it will pioneer legislation that will benefit all children in our country. I wouldn't want the people who testified here today to think of S. 6 as being confined only to the area of special education, because I see S. 6 as establishing a principle in terms of national responsibility to education, in terms of the need of the National Government to pour funds into not only programs for the handicapped, but other programs as well.

And we believe that this is a pioneer legislation not only because it recognizes the potential in the problem of the handicapped, but also, it recognizes that if we're going to solve their problems, we're going to have to have money. All education, if it's going to be good education, is going to cost money, so all of us know what it means. All of these people in this room have been pioneers, and they know what it means to pioneer. So I say with all the faith in my soul, "God bless and give you the strength to battle for the children who are the new frontier in education."

Thank you.

Senator WILLIAMS. Well, I'm very grateful for your personal comments, but your comments as to our consideration of this legislation are very beneficial and they are going to be most meaningful.

Monsignor HOURIHAN. Thank you.

Senator WILLIAMS. We're also very grateful to you, Monsignor, for the hospitality. Again, it's magnificent.

Monsignor HOURIHAN. Thank you very much.

Well, twist President Nixon's arm, because if we don't get some money for the third-, fourth-, and fifth-floor mental health clinics—that's why the question you asked Mr. Blackman before is so meaningful. The Archdiocese of Newark throws a million dollars a year into these programs, and we can only do it because we have funds also given to us in terms of the Federal Government helping us out, but if the archdiocese had to support it all by itself, forget it.

Senator WILLIAMS. Well, I'm not in a position to do a great deal of twisting right now, but we'll stay with it, you can be sure of that. When I say "we," I mean fully a majority of people I work with, as you know.

Thank you very, very much. See you on the 12th, Mrs. Smith.

[The prepared statements of individual witnesses appear in the appendix of the Newark hearing.]

Senator WILLIAMS. Our final panel this afternoon, now, comes to us from Pennsylvania and New York.

Dr. Philip A. Bellefleur, headmaster of the Pennsylvania School for the Deaf.

Dr. John Harrington, director of the New York City Bureau for Hearing Handicapped.

Dr. Laura Wilbur, New York Speech and Hearing Association; director of Hearing and Speech Services of the Albert Einstein College of Medicine. I am sorry that Mr. John A. West, member of the National Advisory Board on Handicapped Children, had to leave earlier than expected. I will include his statement at the point in the hearing record.

[The prepared statement of Mr. West follows:]

PREPARED STATEMENT OF JOHN R. WEST MEMBER NATIONAL ADVISORY BOARD ON HANDICAPPED CHILDREN

Senator, I appreciate the opportunity to testify on this important legislation. Although I am speaking today as a private individual, I serve as a member of the National Advisory Committee on Handicapped Children. I have thus had an opportunity to get some overview on the problems of education of the handicapped and government involvement in it.

In recent years, there have been some landmark judicial decisions expanding the rights of the handicapped to a quality education. In an important case in my home state of Pennsylvania, *Pennsylvania Association of Retarded Children vs. Pennsylvania*, 334 F. Supp 1257 (E.D. Pa., 1971), a three judge panel decreed that the state could not apply any law which would postpone, terminate, or deny mentally retarded children access to a publicly supported education, including a public school program, tuition or tuition maintenance, and homebound instruction. Furthermore, local school districts which provided preschool education to any children must likewise provide the same for mentally retarded children. Soon after in *Mills vs. Board of Education* (C.A. No. 1939-71) (D.D.C. 1971), the rights of handicapped children in the District of Columbia to equal educational opportunities were explicitly outlined and ordered enforced under stringent penalties. The Court said:

The defendants (District School Board) are required by the Constitution of the United States, the District of Columbia Code, and their own regulations to provide a publicly-supported education for these 'exceptional' children.

Their failure to fulfill this clear duty to include and retain these children in the public school system, or otherwise provide them with publicly-supported education, and their failure to afford them due process hearing and periodical review, cannot be excused by the claim that there are insufficient funds. In *Goldberg v. Kelly*, 397 U.S. 254 (1969) the Supreme Court, in a case that involved the right of a welfare recipient to a hearing before termination of his benefits, held that *Constitutional rights must be afforded citizens despite the greater expense involved.* . . . Similarly the District of Columbia's interest in educating the excluded children clearly must outweigh its interest in preserving its financial resources. If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit therefrom. The inadequacies of the District of Columbia Public School System, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the 'exceptional' or handicapped child than on the normal child.

The two decisions very properly uphold the rights of handicapped children. However, some states are complying with the law, while many others are not. In 1971-72, seventeen states provided educational services for at least 50 percent of their population of handicapped children. Many states provided fewer services, and seven states offered educational services for less than 20 percent of their handicapped children.

Families with handicapped children who now live in states or school districts which do not provide educational services for the handicapped move to areas where they can receive proper services. The result is an intolerable burden on certain states and school systems which are meeting their moral and legal responsibilities to educate the handicapped. It is totally unfair to ask these states and districts to assume duties which others have shirked.

If there is an influx of families with handicapped children into an area which provides superior special educational opportunities, these areas may be forced to reduce the quality of their programs or raise more taxes to maintain their programs at a high standard.

This is an unacceptable situation. It is unjust to the children as well as to their communities. Free appropriate public education is a state responsibility, as is the education of the handicapped. But special education is also a national problem.

It is a problem of national proportion because special education involves the rights of over 7 million Americans and their families. Furthermore, interstate migration of families with handicapped children will increasingly effect the entire fabric of education in this country. Finally, a great many children are being denied the opportunity to grow and participate in American life. If these children are neglected, there is an excellent chance that they will mature into individuals who simply cannot function in society. As a result, some will later become expensive, unproductive and sometimes dangerous burdens on the United States.

Senate Bill Number 6 recognizes that the education of the handicapped must receive massive Federal support. Earlier, Washington assumed the responsibility for the education of deaf-blind children. This was a commendable, albeit small, step. The deaf-blind are just one sub-group of handicapped children. These other children should morally and legally be able to receive the same support and attention. S. 6 will give them this support.

Section 7 of this bill deals with evaluation and reporting by the Commissioner of Education. He will report to the Congress annually on the effectiveness of this program.

I ask, however, that the Commissioner also report, in clear, definite, and understandable terms to the families of the children who will be served by this program.

Handicapped children impose a heavy burden on educational institutions. But handicapped children often impose a staggering burden on their own families in terms of cost, time and emotional and physical effort. I believe that we should try to reduce their burden where possible.

Families should know if the program is having any impact on the educational problems of their children, and if not, why not.

Reporting to the families of the handicapped would not involve excessive cost or other difficulties. But it would permit them to understand just what is and what is not being done for their children.

Thank you, Mr. Chairman, for the opportunity to testify on this significant legislation.

Senator WILLIAMS. Now, who shall go first? Dr. Wilbur.

STATEMENTS OF DR. PHILIP A. BELLEFLEUR, HEADMASTER OF THE PENNSYLVANIA SCHOOL FOR THE DEAF; DR. JOHN HARRINGTON, DIRECTOR OF THE NEW YORK CITY BUREAU FOR HEARING HANDICAPPED; AND DR. LAURA WILBUR, NEW YORK SPEECH AND HEARING ASSOCIATION, DIRECTOR OF HEARING AND SPEECH SERVICES OF THE ALBERT EINSTEIN COLLEGE OF MEDICINE

Dr. WILBUR. I thought maybe as a woman, I would get to be last, to have the last word.

Senator WILLIAMS. That all has gone by the way of liberation, now.

Dr. WILBUR. All right.

Senator WILLIAMS. You're one of the folks now.

Dr. WILBUR. Senator, the American Speech and Hearing Association has asked me to say that they have been working to compile information with their members regarding their positions on this bill, and it will be forwarded to you as soon as it's collated.

Senator WILLIAMS. Thank you, we will be waiting for it.

Dr. WILBUR. I have been asked by the New York State Speech and Hearing Association to testify before you in behalf of Senate bill 6. As a former teacher of the deaf and hard of hearing, former public school speech therapist, and as an audiologist who has had specific contact with some of the programs for handicapped children in the States of California, Illinois, Mississippi, New Jersey, New York, and the District of Columbia and in Heidelberg, Germany, I most enthusiastically support the enactment of the Education for All Handicapped Children Act.

It has been my observation that the disparity in services for handicapped children which does exist from place to place has not been due to a lack of concern or interest in the problem of these children, but to the very real financial burden which their proper education can place on some school districts.

Senator WILLIAMS. You know, we have a list here of the State effort in the education of the handicapped. It would be interesting to see whether State effort follows per capita income, just as a very casual glance.

Dr. WILBUR. It seems to. It does, to a large extent; yes, sir. I know this is a problem we had in Mississippi, which is very—

Senator WILLIAMS. Which makes your point, that it's not a matter of lack of concern; it's a matter of resources.

Dr. WILBUR. That's why we're so delighted to see the effort that your committee has put into this bill, which would compensate for the fact that these States don't have the money and are unable to do the work that they would very much like to do. And the problem is that even in an area such as New York and the south Bronx, where the State itself has money, but in which many children are not able to go to school simply because of the tenuous problem of transportation. It's also a problem in the south Bronx, where educational facilities are

already strained because it's difficult to define the children with the handicaps, and it's almost impossible to assure their proper education.

These children are the ones who are already deprived because of their environment, and this deprivation which occurs when the child is not given adequate education can result, unfortunately, in his becoming an adult who is totally dependent upon society for his clothes, his food, and his shelter. But if these children are found early, as your bill would provide, by working with them as young as 3, and hopefully before, they can become self-sustaining productive members of society. It is clearly not possible, however desirable, for a district already burdened with the costs of such mundane problems as trying to get the windows fixed, trying to get the desks to work, and reasonably intact chalkboards. They can hardly afford these expenses.

So even when the district can allocate some funds for such education, it becomes a matter of priority as to which group of handicapped children can receive adequate attention. The most affluent districts at times have been forced to cut programs such as speech and language therapy. Yet the U.S. Department of Health, Education and Welfare reports that 12 to 15 percent of the children in kindergarten through grade 4, have serious defective speech. When one considers the impact of defective speech, coupled with the other handicapping problems, such as hearing impairment, one realizes that as many as 10 percent of all school-age children may suffer from some language disability.

The problem of language disorder cuts across all areas of handicaps, and leaves its debilitating effect, because we have to realize that the child who has defective language will not only have difficulty in communicating, he will be unable to learn history, he can't learn mathematics, and he can't learn science.

INDIVIDUALIZED WRITTEN PROGRAM

Senate bill 6 would not only help in the provision of funds for these handicapped children, but it would also force the school to specify what each child would receive in his education. The drawing up of these individualized programs was initially quite repugnant to me as a teacher, but the more I thought about it the wiser I thought you were, because this forces us to reconsider what we have tried to plan for these children; it forces us to reconsider it annually, and I think that's a step forward. This bill could thus potentially work to upgrade educational programs for handicapped children throughout the several States.

Thus it appears that the Education for All Handicapped Children Act could significantly improve the education of handicapped children through its monetary and educational considerations, thus making these children become self-sustaining, contributing adults, and for these reasons I would urge that this committee act favorably on Senate bill 6.

Senator WILLIAMS. Thank you very much, Dr. Wilbur.

Could I, just before you begin, Dr. Bellefleur, let me just go back to Dr. Wilbur.

At the Albert Einstein College of Medicine, you're director of hearing and speech services?

Dr. WILBUR. Yes, sir.

Senator WILLIAMS. Now, what does that embrace?

Dr. WILBUR. Well, I'm also an assistant professor of audiology and laryngology. It means I teach residents what hearing problems are and what larynx problems are, and I have four clinics, in four hospitals, in the Bronx, in the south Bronx, as well as the middle Bronx, in which we try to locate and define the problem of children who have hearing impairments. We also work with adults, too, and, to a lesser extent, with speech, because our funds are such that they have not been able to have the personnel to do as much as we need to in terms of speech, and we have not had the funds to do anything for oral rehabilitation, unfortunately.

Senator WILLIAMS. Thank you.

Dr. WILBUR. We're identifying the problem that your bill, we hope, will help solve.

Senator WILLIAMS. Thank you.

All right, Doctor.

Dr. BELLEFLEUR. I'm Philip Bellefleur. As I said, I am here representing the Council on the Education of the Deaf. I'm a board member of the Conference of Executives of the American School for the Deaf, and I am the head of a school for deaf children myself, located in Philadelphia, Pa.

NONPUBLIC EDUCATION

I think just about everything has been said today that could be said, and I'm sure that I'll leave here with more information than I will have given you, but there are one or two points that I would like to make, the first I had not intended to, and that is to support Monsignor Hourihan's position, that my interpretation in reading Senate bill 6 was that there was a possible misinterpretation by the various States as to the meaning of "appropriate education," specifically with a reference to free public education.

In the education of the deaf and the blind, particularly, private institutions have been providing services, as the Monsignor has said, for almost 150 years, and they were there because the citizens were concerned that not enough was being done. I'm delighted at the concept that we see taking place here today, which is the provision for all handicapped children, but I hope that the interpretation by the States is not that we no longer need the nonpublic institutions, but that somehow we will enfold them into the programing that seems to be developing.

INTEGRATION AND MAINSTREAMING

There has been this concept of mainstreaming, which was brought up by one of the last speakers, and it is an admirable concept, but there are some handicaps, or some children with certain handicaps, for whom mainstreaming is not, at least at this stage of the art, a possibility, and I have reference, now, to some of the severely handicapped deaf youngsters, multiply-handicapped children. And yet at the same time I see the need for the accountability in what we do, and I am delighted that you see this, too.

Hollis Wyks, in his presentation a few moments ago, spoke of productive citizens that New Jersey is turning out in its schools for the deaf. The same is true of the sister school over in Pennsylvania. We believe that vocational education is an important adjunct to any pro-

gram, that many of these youngsters, particularly deaf children, can do many, many things.

I was delighted to see the number of handicapped individuals who participated here today, and yet I was somewhat unhappy to note that although there were a number of blind individuals, not one of the adult deaf was present, and I hope that in future testimony you will hear from a number of the deaf individuals.

There is the need, I think, for you to hear from the consumers, themselves. We're one of the few areas where our people can speak for themselves as adults. They have many concerns programing, and one of their great concerns is that they have more voice in the planning.

I would like to say that our responsibility is to recognize one other aspect of the deaf, or at least an aspect of the deaf that we have not recognized before, and that is that for some there is the wish to remain a part of a subsociety group. Now, this is counter to the mainstreaming concept that we hear over and over again, of absorbing youngsters into the public system, and yet if you ask the adult deaf how they feel about education and programing, many of them will tell you that because of their severe communication problems, they would like to remain a society apart.

In conclusion, I would like to briefly mention the Senate bill 3407, I believe it is, and I would like to commend you, Senator, for your recognition of the needs in the area of sensory aids, and I hope in the future that we have an opportunity to hear testimony on that bill, too, since that recognizes one of the very, very specific needs of this subsociety of which I spoke.

Thank you.

Senator WILLIAMS. Thank you very much.

Dr. Harrington.

Dr. HARRINGTON. Senator Williams and members of the subcommittee, my name is John Harrington, and I am the acting director of the Bureau for Hearing Handicapped Children of the New York City Board of Education, responsible for programs serving almost 800 deaf children, over 1,000 hard-of-hearing children, and 400 language-impaired children and youth. The New York City program is an exemplary one, but there are insufficient funds to meet the needs, so that we have a sort of dichotomy here.

For example, only during the last 10 years have we been able to establish resource rooms for hard-of-hearing children in regular schools. Prior to that all we had were itinerant teachers with the caseload of 60 to 70 children per teacher. Now we have resource rooms, we have been innovative, but we need more resource rooms, and the funds are limited.

The School for the Deaf in New York City was hit tremendously hard by the 1963 rubella epidemic, and only recently has been able to admit these deaf children, some of whom are already 8 years of age.

Language-impaired children—and I heartily support Monsignor Hourihan's recommendation that language impaired be a specific category of the handicapped included in the bill—language impaired children had no functioning program in the city of New York prior to 1961. In most places there still is no functioning program for language-impaired children. We have a program now with almost 400 children, and referrals are coming in every day, but for

such a program we have no medical or research services available whatsoever.

Our secondary programs in the city depend on those in the regular schools, and that's appropriate, but we lack the funds to provide ancillary personnel to make use of those services. As you know, the Rehabilitation Act places greater educational responsibility for preparing our youngsters for employability. It is unfortunate that the veto was not overridden.

Our public school programs function in very outmoded quarters, with poor acoustic conditions and limited equipment.

Now, the reason for these programs is not lack of concern or lack of expertise. The reason is limited and unclear funding.

Now, I'd like to talk just for a moment about a large city, because I think that is the emphasis that has not been given, I think, today.

SPECIFIC FUNDING FOR HANDICAPPED CHILDREN

New York City does not receive funds earmarked for handicapped children. We educators of the handicapped must compete with the other almost catastrophic conditions in the city for funds coming from the State. The State is not able to provide sufficient funds for adequate programing, and it does not do so on an earmarked basis. I won't go into the ways in which the Williams bill will be able to help this, because I think this has been stated repeatedly. But I think the part that I could emphasize here that may not have been mentioned before is that as an educator of the handicapped, working in a regular school, I serve as an advocate of the parents, and I have walked through school halls and been present at local meetings in which the parents of normal children openly state that they don't want their money, their tax money, going into expensive programs for "those children."

And some States find that they have a disproportionately large percentage of handicapped persons within their communities. Families move to cities in sections where there are programs underway. Other areas, then, have less responsibility in the education of handicapped children. One of the values of the excess-cost plan is that areas which undertake the education of larger numbers of exceptional children will not be penalized for fulfilling their civic responsibility to the learning disadvantaged.

These are times of tough budgets and community involvement. Under tough budgets, special programs go down the drain, and our parents of the handicapped, though organized, are not always strong enough to fight for their rights within the total community, yet it is clear that handicapped children are entitled to equal education under the law. To make educational opportunity for the handicapped possible, a plan or formula such as that expressed in your bill, Senator Williams, is the only way in which I can see this right fulfilled.

Thank you.

Senator WILLIAMS. Dr. Harrington, let me ask you, now, about the State moneys that come to the city of New York. You say that the State contribution does not carry any earmarking?

Dr. HARRINGTON. No.

Senator WILLIAMS. In other words, there isn't a definition of categories for the subscription of the state funds, too?

Dr. HARRINGTON. The city gets for each child that it educates a specific amount of money. Incorporated into that specific amount is an amount for programs for handicapped children in general; therefore, at the budget level in the city of New York we who operate programs for the handicapped must fight tooth and nail for every cent we get.

Senator WILLIAMS. Well, this is general revenue sharing, then.

Dr. HARRINGTON. Yes, that's right. It's an example of that.

Senator WILLIAMS. I'll tell you, I was in a school district up in upstate New York yesterday, and you go a long way up there between residential communities, and I went by on a rural road—well, it wasn't that rural, the road that I was traveling, but at one point I saw about 50 schoolbuses.

Now, I'm telling you that if there isn't any category for handicapped, I know exactly where the money would be going—to run those schoolbuses. I never saw so many schoolbuses at one place, in a very, very rural part of New York State.

Dr. HARRINGTON. What it actually amounts to is, programs do exist in New York, but it's people like Dr. Helen Fulmer, who is the new acting superintendent of special education, who has to fight tooth and nail, day after day, 24 hours a day, and programs do result, but it really is an uphill fight all the way to obtain the very fine programs which do exist in the city of New York, even though we still have a long way to go.

Senator WILLIAMS. Well, listen, am I wrong in thinking that it is much comparable to the proposal here for revenue sharing at the Federal level?

Dr. HARRINGTON. It would seem that way.

Senator WILLIAMS. Is there any doubt about that, Roy?

Mr. MILLENSEN. What is that?

Senator WILLIAMS. Shall I take it from the top?

I'm just saying that it sounds to me like the New York State system of State contribution to the municipality is revenue sharing, and Dr. Harrington has described that it is a battle to get an appropriation of city money for the specific of handicapped children's education.

Mr. MILLENSEN. Well, New York, like most States, gives a certain proportion. I think in New York it's about 55 percent of the expense comes from the State. However, isn't some of that money categorical?

Dr. HARRINGTON. Not that I am aware of.

Mr. MILLENSEN. Not at all?

Dr. HARRINGTON. No.

Mr. MILLENSEN. Well, if I may correct you, the State of New York does have a program very similar to title I.

Dr. HARRINGTON. Federal funds, yes.

Mr. MILLENSEN. No. It has a State program similar to title I, also.

Dr. HARRINGTON. Well, I have been through the budget battle for 12 years.

Mr. MILLENSEN. By and large, I think most State programs are non-categorical, and therefore it would seem to be similar to revenue sharing.

Senator WILLIAMS. That was the point I was making. That's the way it impressed me. I wanted to see whether I was being impressed accurately.

Dr. HARRINGTON. Every year, of course, the mayor and the Governor go through the annual battle of the proportion of funds to go to the city, and that has its impact upon the budget, and then we have a lesser portion estimates of the appropriation for handicapped children, especially under 31 community districts, and handicapped children are being served centrally. This means we're really competing.

Senator WILLIAMS. According to the Council for Exceptional Children Digest of State and Federal Laws New York State statutes contain no specific provision for the handicapped in this area, under the heading of 'Handicapped Children.'

Dr. HARRINGTON. There are special portions of the State law that provide funds for the establishment of schools for the deaf and schools for the blind. This is a special category of the law, but it doesn't apply to the public school programs. The State-operated schools are under a specific law within the New York State law.

Senator WILLIAMS. Well, this concludes the day's hearing. I will announce that the next field hearing we have is in the State of South Carolina—am I right?

Mrs. FORSYTHE. The State of Massachusetts.

Senator WILLIAMS. Then South Carolina.

We'll say that you mentioned that we had no individuals who were deaf here at the hearing today. We did at our hearing in Washington.

We have the great advantage of having Mrs. Forsythe on the staff here.

How long have you known or been able to communicate with signs, Pat?

Mrs. FORSYTHE. 28 years.

Senator WILLIAMS. And this was because of your family situation?

Mrs. FORSYTHE. Yes. I have a deaf son.

Dr. HARRINGTON. On the other end of the spectrum, Senator, I'm the child of deaf parents.

Senator WILLIAMS. I see.

Well now, let's just conclude here appropriately. Would you, in signs, thank our friends for the committee.

[Mrs. Forsythe complies in sign language.]

Senator WILLIAMS. I didn't expect a speech.

[Further compliance by Mrs. Forsythe in sign language, with responding sign language by members of the panel.]

Senator WILLIAMS. Thank you very much, everybody.

If there are any in the audience who would like to submit statements for our record, they will be welcome.

I. LEE BRODY. I would like to make a statement.

First, I am approved by the School for the Deaf, and, as you can see, I am well educated, and I have been a student at the Technical Institute for the Deaf at St. Louis. I graduated, also from Weequahic High School in Newark, and also, I am a graduate of Rutgers University. Therefore I feel very strong about how much education means to those who do not have that advantage.

My point in particular is the telecommunications bill, which I understand is still in the works.

I was instrumental in distributing one-sixth of all the telecommunications equipment in this country. Right here in New York and New Jersey we have 400 stationed, which makes it possible for totally deaf people to communicate.

I read your bill, and I frankly, I think there's too much money involved. Your bill asks for \$25 million the first year, \$30 million the second year, and \$35 million. I don't blame President Nixon for not even looking at it, if he ever did.

My proposal is just that these figures—

Senator WILLIAMS. This is on S. 3407. Supplementary Education Services for the Handicapped which I introduced last year.

Mr. BRODY. Yes.

My suggestion is that the figures can be scaled down to a more reasonable figure, because recently we have gotten figures from NYU that there are 400,000 severely impaired hearing people in this country. There are 15 million who have some hearing loss of one kind or another. If we were to look at this 400,000 severely deaf people in this country, this means that for less than \$10 million it is easily possible to equip every deaf person in the country with a teletype telephone.

Senator WILLIAMS. Well, I am glad you offered that. I will tell you, we're certainly searching for ways to do the equal job for less money. So this is very helpful. Thank you very much.

Oh, I failed to say that Monsignor Hourihan has invited anybody who would like to visit the facilities here, it is open for a tour—right, Monsignor?

Monsignor HOURIHAN. Yes, Senator, they are welcome.

Senator WILLIAMS. At this point I order printed all statements of the panelists and those who could not attend and also any pertinent material submitted for the record.

[The material referred to and the article submitted by Mrs. Mildred Ricci follows:]



NEW JERSEY SENATE

J. EDWARD CRABIEL
 HOUSE LEADER
 SENATOR, HONOLULU COUNTY
 11 KRAEMER DRIVE
 MILAPOWA, NEW JERSEY
 201-688-0022

April 3, 1973

Honorable Harrison A. Williams, Jr.
 Senate Office Building
 Washington, D. C. 20515

Dear Senator:

The American people have always responded to challenges that are concerned with human values. One such challenge is the cause of the handicapped - those citizens with physical and mental disabilities who need special education from their earliest years in order to develop their potential and make their contribution to society according to their abilities.

Legislators at the state level have risen to the challenge in our own State. Much has been done; but the job has not been completed. Our State Department of Education has statistics to prove that the number of children participating in special programs has grown in the last decade. Part of this growth is due to federal assistance. Such assistance has enabled us to recruit trained teachers for the children through the program of federal support for the training of teachers for the handicapped. Moreover, the Handicapped Children Early Education Act has been a pump primer for the establishment of pre-school programs wherein the child and the parents, during the most critical years, receive the attention needed. This Act wisely required the models funded with federal monies to stimulate the States to use their own resources to increase the number of such programs. A good example of this is the activity of the Pre-School for the Deaf model in the Mount Carmel Guild which through the parents and staff has been cooperating with the Education Committee of the State Assembly to generate legislation for this very purpose.

Of course, the legislators are conscious of the rights of the handicapped to the right of an education. This consciousness has been

NEW JERSEY SENATE

-2-

**J. EDWARD CRABIEL**

MINORITY LEADER
SENATOR, MONMOUTH COUNTY
11 KRAMERTY DRIVE
MILLANOW, NEW JERSEY
ED - 666 - 6666

April 5, 1973

increased by litigation in certain areas. Moreover, they are conscious of the cost of special education. Therefore, legislation such as that proposed in the Senate through Bill S-6 is important. This Bill which seeks to aid the States in contributing to the cost differential of education of the handicapped and the typical child is a realistic approach to helping the State do what they want to do, mainly helping the handicapped. In so doing, we are helping our State because they become contributing citizens.

Very truly yours,

J. Edward Crabiel

J. Edward Crabiel
Minority Leader

JEC:pk



NEW JERSEY SENATE

ALFRED N. BRADLETON

MEMBER
SENATOR HONOLULU COUNTY
FIFTH SENATE DISTRICT
84 HONGAI STREET
HONOLULU, HAWAII 96813
SEN-707-2077

May 7, 1973

The Honorable Harrison A. Williams, Jr.
United States Senator - New Jersey
Senate Office Building
Washington, D.C. 20510

Dear Senator:

I am extremely interested in the bill which you have introduced; namely, S-6, concerning the education of handicapped children and providing financial assistance to the states for that purpose. I ask that this letter be made a part of the record of your Committee on Labor and Public Welfare when considering this bill.

As the sponsor of the law now in existence in New Jersey, originally enacted in 1954 and subsequently amended and supplemented in various of its aspects, I am extremely familiar with the importance of such legislation. Today New Jersey is spending \$53 million annually in state aid to classes for the handicapped conducted in nearly every one of our local school districts which represents fifty per cent of the cost of the classes and seventy-five per cent of the transportation expense. Nearly forty thousand children with all degrees of handicap are benefiting from this legislation and the results have been outstanding in most cases.

We have done a great deal in this field but we need to do more in order to insure to every handicapped child as guaranteed by our state constitution, a reasonable quality program. However, it has become an extremely expensive drain on state funds and on the taxpayers of our state. We would welcome the federal aid in the form of grants provided by your legislation in order for us to be able to extend this program to include three and four year old children in what might be called "headstart programs".

Hon. Harrison A. Williams, Jr. -2-

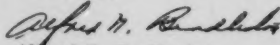
May 7, 1973

In addition, we are hoping to provide year round programs for all handicapped children rather than the present nine to ten month school year. Obviously this would help to expedite the time when many of them could return to a regular classroom environment.

Also, we need to supply at the state level at least three regional state operated facilities for those children that are extremely difficult to educate either in the local school district or by private placement as allowed by our law. I am referring to those with profound hearing loss, serious behavioral problems resulting from neurological impairment and those with serious multiple handicaps.

In the event that your Committee does not have available to it an up-to-date copy of the New Jersey law and the rules and regulations of the State Commissioner of Education implementing that law, I am enclosing a copy of each for the record.

Sincerely,


Alfred N. BeadlestonANB:aap
enc.



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

MILTON J. SHAPP
GOVERNOR

SENATOR
WILLIAMS N.J.
SEP 24 3 24 AM '72

September 22, 1972

The Honorable Harrison Williams, Jr.
United States Senate
Room 352, Old Senate Building
Washington, D. C.

Dear Senator:

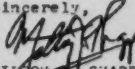
It is my distinct privilege to review S. 3618, which you recently introduced on behalf of the education of all handicapped children, and its companion bill, H.R. 15727, introduced by Congressman Brademas.

We, in Pennsylvania, have long expressed active concern for our handicapped of all ages, and because of the public interest, the support of the legislature and the leadership in government, Pennsylvania's educational programs for exceptional children are among the most progressive in the nation.

Despite this dedicated and continuing effort, however, Pennsylvania does not have sufficient resources to educate every handicapped child, as is his right under the Constitution. To realize this goal for Pennsylvania will require the continued participation of the Congress as set forth in this legislation.

I commend you and your colleagues for recognizing the need for a national commitment to this vital issue and for proposing these bills, which I am convinced will be recognized as among the most significant social legislation of our time. I pledge to you my personal support in the interest of all handicapped children throughout the nation.

Sincerely,


MILTON J. SHAPP
Governor

April 4, 1973

Honorable Senator Williams:

I am the mother of an eleven year old son who is brain injured and handicapped. He is classified non-educable or trainable by my local school district. The only help I have received is through the New Jersey Association for Retarded Children's which I learned about through the recommendation of a friend. They did provide him with some excellent nursery school type care for a little over one year. Since the first of this year he has not attended any program. The child has a convulsive disorder and the school has felt this to be a problem. As of this letter I am writing for the school to set up an appointment with me and let me know their final decision.

I am sure there are many parents like myself with similar problems. We feel we can love and care for our children at home and not let them be a burden in an institution. Every parent of a handicapped child has to make their own decision on this. For some the problems are recognizable at birth. For others, such as myself it is harder because my son was born normally and his illness started at the age of six months after a smallpox vaccination. We have spent years trying to control the illness and in turn the illness destroyed the child and we were forced to learn some new words in our vocabulary--brain injured, epileptic, retarded and handicapped.

I feel my son and others like him can benefit from education even at the lowest level. I also feel normal people can be educated better by working with these handicapped and thus enrich and widen their own lives.

Handicapped children can benefit from being with children with problems similar to ⁽¹¹⁾ their own. Handicapped children should also be introduced at a very early age to a normal school system even if on a limited basis. Normal children would then see them, learn to understand some of their problems and I even feel that the "stigma" of normal children could help a handicapped child and feel a sense of importance that he was of worth to someone less fortunate. I would like to quote from a speech I heard my predecessor Mr. Anthony W. Spivack of Neptune, give on the exceptional child. "Children are our assets." and "The best teacher for a slow child is a slow teacher--one who recognizes his special needs."

By providing care and better education to our handicapped children we would also encourage our normal children to go into this field, receive special training and learn at an early age they can be better teachers for the handicapped. I feel our young people are especially interested in giving service today from college to environmental movements. I feel they could easily channel this interest to handicapped children if there were programs in education available to all. Many of our young people fresh out of college are really not sure of careers they will be able to find employment in. The handicapped children are there waiting, just waiting. We are a talented nation and for many years the handicapped child has been in the dark.

Let us bring our talents forth, for our children, all children, use our assets, and hearts, and spend the money for education of these needy humans.

Sincerely yours,

Davidred Green
(Mrs. Henry Green)

DAD'S STRUGGLE WINS SCHOOL FOR DISTURBED CHILD

(By Monica Maske)

Handicapped children in New Jersey can, in some cases, have their tuition to special profit-making schools paid for by the state as a result of a challenge to state law by the parents of an 11-year-old autistic child in Fort Lee.

Mr. and Mrs. Edward J. Jablonski challenged a section of the Beadleston Act requiring a school for handicapped children to be "non-profit" before the child's school district can finance his education.

Jablonski's long struggle to find an educational facility for his son, Christopher, began about six years ago when the blond, blue-eyed youngster reached kindergarten age.

The couple discovered that Chris had severe emotional problems—since diagnosed as infantile autism and childhood schizophrenia—when he was about three years old. The child was not talking or responding to anything, his parents said.

The public school, said Jablonski, "excluded" Chris because he was considered non-educable and non-trainable.

A private day school, run by a parent cooperative, was founded by the Jablonskis. Although Chris went to the school for about four hours, five days a week, the couple "realized, at that point, he needed 24-hour-a-day care in a residential school."

The Jablonskis looked to the Bureau of Children's Services next. If a school was found, the bureau would pay approximately \$400 a month for room and board.

The bureau was not confined to the list of "nonprofit" schools approved by the state, but the Bureau considered Chris "retarded"—clinically retarded because his emotional problems prevented any learning—and would not accept him.

The Jablonskis said their alternative was to go deeply into debt, "sell the house," to afford the cost of private, profit-making school. That tuition would cost the couple about \$400 for tuition and \$400 for room and board—per month.

With the cost of clothing and other necessities for Chris each year, the Jablonskis would have had to pay about \$12,000 annually.

The next step was to send Chris to a summer camp for emotionally disturbed youngsters, the Beaumont School, in Liberty, N.Y.

That experience allayed some fears that Chris could not cope in a 24-hour-a-day school. "We found out," said Charlotte Jablonski, "that Chris could survive without us."

The Beaumont School, however, also operated as a year-round facility and the Jablonskis began considering it as such for Chris.

But the legal snag remained—the state would not finance the cost of educating Chris in a profit-making school.

Jablonski, who is a high school director of guidance, had a copy of the Legislative Manual in his office and began reading through it. He found the New Jersey statute which required a non-public school to prove it is nonprofit before it is eligible for Board of Education funds.

But he also read the Constitution of the State of New Jersey and could find no section that prohibits state funds from being paid to a profit-making organization in receipt of goods or services. Tuition to a private school, he concluded, is a service, not a donation.

After several phone calls and letters to the attorney general and State Sen. Alfred N. Beadleston (R-Monmouth), the sponsor of the law which included the "nonprofit" provision, Jablonski received a preliminary opinion.

That opinion, from Attorney General George F. Kugler Jr. coincided with Jablonski's conclusion—that payment of tuition to profit-making schools is not necessarily a violation of the State Constitution.

Following issuance of a final opinion, Beadleston, who is now president of the Senate, introduced a bill amending his law to remove the restriction on profit schools.

After passing both houses, the bill was signed into law by the Governor in January.

Now, Chris attends the Beaumont School, coming home for holidays, and his tuition is paid by the Fort Lee Board of Education. And, because the school system pays the tuition, the Bureau of Children's Services is able to pay the room and board because Chris is being "educated."

How did one man successfully challenge a state law? "Persistence is the name of the thing," Jablonski said, adding he has had no legal training.

"I never thought it would be so simple. A telephone call or a letter, if anybody wants to do it they can.

"It's also a good example of how public officials can respond to the needs of the people," Jablonski said.

April 2, 1975

To Senate Sub-Committee on Handicapped.

Gentlemen:

Our son George was brain damaged at birth. He was only injured academically, not socially. There was a special class in Camden City, with a long waiting list, when his elementary schooling time arrived. He entered him into the Perennial school system, where he went from grades one through eight, learning whatever he could retain from oral lessons. His reading, writing and arithmetic was non-existent. His friends started High School and he wanted to know, "How about me?" Someone told me Triton Regional High School was starting a Special Education class, I called and was told to report to the Principal with my son. He had four years in High School, learned about money, super-heroes, gas stations, etc., through books just printed for every day living. He was encouraged to become a manager in different sports, and learned how to make an inventory of equipment and other things in this area. The instructors built up a confidence and reliability in him that has been invaluable. New Jersey Wirestriking Company in Camden, N. J. decided to use if he could work for them. He's been there six years, is a hard worker and gives suggestions constantly. His education cost approximately \$6000. and to date he has paid \$3,472 in income taxes. He pays for his medical, dental, clothing and insurance. He takes his father and I to dinner once a week and he is his own man. Instead of being a dependent on family and Government, he is paying his local, state and federal taxes with a grin. That's what Special Education has done for this family.

Very truly yours,

Mr. and Mrs. James Hagan, Jr.

Mrs. Barbara Yezek
Subcommittee of the Handicapped
Committee on Labor and Public Welfare

April 9, 1973

My name is Barbara Yezek, I am the mother of a learning disabled child. With me is Mrs. Betty Read. Also the mother of a learning disabled child, she serves in a professional capacity at the Helmbold Education Center in Corbin City, New Jersey.

Not being a professional I have no educational expertise to bring you. I can only speak as a parent. My family has been in the State of New Jersey for something over two years. My second son began his school days in Virginia. Prior to kindergarten we knew he was a very busy little boy but had no inkling of real problems. His kindergarten experience was unfortunate in that his teacher called me regularly with things like: Michael will not settle down, he is terribly dependant, he will not do what he's told, he goes to the bathroom every five minutes, etc. First grade was much worse!

His teacher there had the same behavioral complaints, Michael had great difficulty in sitting for any length of time. My husband and I took him to doctors. "Maturation lag", "He'll out grow it", we were told. This is utter nonsense. No problem is ever made better by ignoring it.

I went and talked to the principal. To my surprise he blamed it on the teacher! "She's about ready to retire. She is not flexible with the students." At this point I requested that my child be seen by the school psychologist. I was told the waiting list was several months long and the principal did not think it was indicated with Michael.

Being very uninformed at that time, I knew nowhere else to go and so I did nothing. During this time Michael grew more and more frustrated, our family became more and more distraught. A wedge was driven in our marriage because of the guilt we both felt over our "different" child.

Then came the move to New Jersey. Gentlemen, I cannot tell you what a difference it has made living in a state which cares and provides for its less fortunate children. Michael was referred to the Child Study Team almost immediately. He was tested educationally, given a physical by our own doctor, sent to both a psychiatrist and a neurologist. The psychiatrist told us there was little or no emotional disturbance but that we could expect it if Michael continued to be frustrated at every turn. The neurologist, bless him, spent two and one half hours explaining to my husband and me about Minimal Brain Dysfunction, and giving us valuable pointers on living with a hyperactive child.

I cannot tell you the relief we felt! First, that our child had a physiological problem which could be met and dealt with. . . second, that we were not doing it to him. . . we were not to blame! He is now being treated in the regular classroom with a very special teacher and a learning prescription developed just for him. He is happier, his favorite color is no longer black, and the family is back on an even keel. This is by no means the end of the story for Michael, his development will always be uneven and he will always have more frustrations than most, but we know the problem now. . . we understand, and we can see to it that the way is made as smooth as possible.

Since learning of Michael's handicap I have done extensive reading, attended seminars and profited greatly from the experience. My son is not a rarity. If the figures I have been given are correct, one child in six has some form of learning disability. . . and this does not even take into consideration the more severely handicapped child. Children learn at different rates and the timing can be very different within each child. My Michael with an IQ well above normal is in the 4th grade. His reading is on a 9th grade level and his math is on a 2nd grade level.

Mrs. Barbara Yesak

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We cannot afford to throw away these children because they are not able to conform to the school. Rather, it is time for the schools to learn to conform to better meet the individual needs of each child. When that day comes there will be no learning disabled children. Senate Bill 6 could conceivably be the first step in that direction.

We cannot begin to know the potential of these children until we can unlock the mysteries of how they learn. Yet they do have much potential. Winston Churchill was hyperactive! Leonardo da Vinci wrote backwards all of his life!

I should like to recommend Kindergarten or pre-school assessment to alert for possible learning disabilities. Many problems, if detected early, can be remediated or minimized by treatment. Parents as well as educators should be allowed to initiate classification proceedings. Who knows the child better than those who live with him?

May I further suggest that parents be given the opportunity to exercise a more positive role in their children's education. There should be a collaboration of significant adults in the child's life. Parents as consumers of education should have more say in the quality of the product their school systems produce.

These last two years have proven to me that parents can and do wish to become informed and involved. Project Quest, an EPDA program unique to South Jersey, has undertaken mixing parents, teachers, administrators, etc. in Conference context with professional consultants as speakers. May I say the parents have held their own! They have taken the knowledge they have gained and put it to good use within their own communities. This project pointed up the need for parent information and education thereby providing unique and dramatic sharing experiences for all those involved.

Mrs. Barbara Yasek

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The success of the people to people approach is very evident in my community thanks to the 127 parents and professionals in Atlantic County who have been Quest participants. It is my hope that when the time comes for implementation of Senate Bill 6 provision will be made for constructive parent involvement and a circle of communication developed between home and school.

New Jersey, by virtue of the "Headstart Act" has given my child a new opportunity and our family a growth experience in understanding. I can think of no better reason to support Senate Bill 6 than the hope it could give the same to countless children and their families.

Thank you.

April 4, 1973

To Whom It May Concern:

As a parent of a mentally retarded daughter, Cindy, I am interested in participating in the Washington meeting concerning Right to Education. I would be glad to give testimony regarding my involvement with the Right to Education litigation. My husband and I were one of thirteen families who brought the class action against the Commonwealth of Pennsylvania in 1971. I do have continuing concerns that the Right to Education Litigation has bogged down and that the school districts who are now attempting to comply with the consent agreement need federal monetary assistance in order to comply. I am additionally concerned that the individual school districts as well as the intermediate level school districts (county schools) do not seem to be moving quickly enough to instruct teachers in the new concept of Special Education such as behavior modification, self-help skills, pre-vocational and vocational training, etc. I am prepared to testify that schools are not in a position to render adequate services to the severely retarded child. It is not enough to simply guarantee days of schooling between the ages of eight and sixteen without also considering the adequacy of the educational curriculum and staff.

I wish to testify in support of any legislation to increase federal aid to states so that they might comply with Right to Education mandate. I believe that I can honestly point out where even our federal litigation cannot be the total answer due to the extreme lack of funding. We can hit the school administrator over the head and demand service, however, he is and shall continue to have an answer in the negative without his school district having the funds in which to do an adequate job.

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My daughter is approximately ^{eleven} years of age and is severely retarded. The public does not understand my daughter's handicapping situation, and it is only through good, well designed educational programs that my daughter might be given an opportunity to accomplish and to hold ambitions in future years. Only through adequate programming within the public schools can we achieve the dignity and the rightful place in society for our retarded sons and daughters. We must in every way possible make the public realize what the retarded citizens of their communities can do and it is only through conscientiously applied educational programs equal in effort, and equal in monetary, and in every other respect with programs available for normal functioning children, that the retarded will be able to achieve full citizenship.

The Pennsylvania Association for Retarded Children, Inc., and the thirteen class action parents finally got our retarded children into school on a guaranteed basis. Right to Education legislative action is now needed to insure the adequacy of the educational programs in the classroom. Pennsylvania needs additional federal funds if it is to comply with the Federal Consent Agreement established in 1971.

Thank you.

Mrs. Jean Hatt

TESTIMONY BEFORE THE
SENATE SUB-COMMITTEE ON THE HANDICAPPED
on SENATE 6
"EDUCATION FOR ALL HANDICAPPED CHILDREN ACT"
April 9, 1973
Mt. Carmel Guild Diagnostic Center
17 Mulberry St., Newark, N.J.

Pennsylvania Association
for Retarded Children, Inc.
127 Locust Street
HARRISBURG, PA. 17101

As a representative of the Pennsylvania Association for Retarded Children, I am pleased to have this opportunity to appear before this distinguished panel to discuss the implications of Senate Bill 6, which provides the potential for improved educational services to the handicapped children of this nation.

Perhaps we can serve best by referring to the Pennsylvania case, and interpreting its impact, resulting concerns and areas of further investigation that might result in the review of S.B. 6.

The experiences of Pennsylvania have barely spanned a year's time. It is interesting to note that though much sentiment is expressed for the provision of a free public education to all children, that many school districts stood idly by until the final order of the Federal Court was issued, even though the Department of Education had entered into a consent agreement seven months earlier. The final order of the Court was rendered in May of 1972.

Pennsylvania has been considered a progressive state regarding educational services and the fiscal commitment of support. And yet the Right to Education action has identified approximately 16,000 persons who were previously denied a free public education by the Pennsylvania Department of Education and its local school districts.

Recent census materials, taken from a door to door review, had identified additional numbers of children that suggest an additional 3,000 school-age children might be identified across the Commonwealth. I will not be surprised if larger numbers are identified as more detailed census are conducted.

From Pennsylvania's experience, I would say it is imperative that aggressive steps need to be established which involve representatives concerned and interested

in the handicapped, to assure a continuous census to identify the handicapped and to also assure the provision of appropriate education and training programs.

I. IDENTIFICATION

The Pennsylvania program for identification of the mentally retarded was extensive, and involved not only the Department of Education but also the Association for Retarded Children, the Department of Public Welfare and other interested groups. The program of identification was limiting in that it focused only on the mentally retarded and not on all of the handicapped.

The Department of Education advertised a toll-free telephone number to call from any point in Pennsylvania if any one knew of a mentally retarded person not in school. The Department of Public Welfare sent flyers in both English and Spanish with all welfare checks and these were also used as bag stuffers in all State Liquor Stores. The Pennsylvania Association for Retarded Children conducted an Independent Childhood campaign. Each effort contributed to the total identification of children excluded from educational opportunities.

II. QUALITY OF EDUCATION

Obviously the locating of children is only a small part of the effort to educate. The key to the Pennsylvania action and the important wording of S.B. 6 is the phrase "free appropriate public education and training."

Most of the children newly identified have been the more severely handicapped children.

Initially in the establishment of classes, a great deal of apprehension and pessimism prevailed because many educators recognized that traditional education was not appropriate to the more severely handicapped mentally retarded person.

In Pennsylvania, a Right to Education Office was established to assist in the identification of children, but secondly, and more importantly, provided a training section to develop training seminars and workshops to re-train teachers in the development of curriculum and methods of teaching for the more severely handicapped child.

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This program has achieved various levels of success.

In addition, four desk officers were established upon the suggestions of Thomas Gilhool, Esquire, who were charged with the responsibility to monitor programs and services in each region of the state and to handle questions as a liaison with the Bureau of Special Education within the Department of Education.

It has been clearly evident that teaching institutions must provide new courses of study and techniques to prepare personnel to meet the new challenges demanded by a free public education to all handicapped children.

Problems are presenting themselves because of the inadequacy of teachers and/or class settings to meet standards of appropriateness for some children. In some instances, efforts are still persisting to find ways to exclude children rather than seeking ways to develop appropriate settings to create the atmosphere for learning and training. With the encouragement of additional Federal dollars, perhaps some of the challenges will be more readily met. It has been interesting to observe that programs that had previously been considered impossible or impractical have now been demonstrated to be highly productive.

For example, children who were nonambulatory and previously considered nonresponsive, have been brought into classrooms and within a short six-week period have begun to ambulate and have shown many responsive signs when exposed to stimulating activities within the class setting.

The Pennsylvania case provides for a zero-reject program. There are numerous testimonials already on record to support the premise that every child must be afforded a program of a free public program of education and training.

We are encouraged that the language of S.B. 6 recognizes the premise of zero reject in its outline of providing "individualized written programs" for all children. We fully endorse and support this position.

III. TRANSPORTATION

Within the Pennsylvania Educational Code, transportation shall be provided. As it is available to all other children, it shall equally be provided to the handicapped.

As we all know, transportation is a costly item and is often held up as one of the reasons why the handicapped cannot be served. The excuse still arises in Pennsylvania, though easily and readily challenged.

I think it is important that it be clearly understood in every part of the Nation that transportation is an integral part of providing an education. It is certainly implied in S.B. 6. If special equipment is needed, such as special lifts, etc., that would be excess costs.

On the other hand in some areas children ride buses up to three to five hours per day to and from their teaching centers. It is sometimes justified as a learning experience. I think it is equally important that this type of disservice to the handicapped not be allowed.

IV. DUE PROCESS

We have found in Pennsylvania that the due process procedures have opened many lines of communication and aided in finding appropriate solutions of education for many children without the necessity of formal hearings.

Initially there have been a number of interesting and difficult hearings. Overall it has appeared that hearing officers have reviewed the facts fairly and have indicated what appropriate program might be prescribed or have substantiated that the existing program has been appropriate.

The system is not without its share of problems and complications but generally it has provided the means of openly questioning the rightness of a program for a child.

We therefore applaud and endorse the due process procedure inclusive in S.B. 6.

V. MONITORING OR ADVISORY ROLES

Within the Pennsylvania system, Local Task Forces have been established which are charged with the responsibility of the review of the identification, location and evaluation process and to marshal together the community resources to assure the appropriateness of the education and training program of each mentally retarded person.

In our opinion, the role of this Task Force has not been sufficiently formalized to indicate adequate assessment of the effectiveness of the program. Local Task Forces, however, have had varying indications of effectiveness.

Also, there is a State Task Force that is advisory to the Secretary of Education with representatives of the Governor's Office, the Department of Public Welfare, the Department of Education and the consumer, the Pennsylvania Association for Retarded Children.

We do support the concept of the advisory panel and would advocate its use not only at the State level, but also at appropriate political sub-divisions.

VI. COST ACCOUNTING

In S.B. 6, under Eligibility, Section 6 (b), there are provisions for reporting programs and procedures for the expenditure of funds.

This is an area that has caused much concern to those interested in special education programs. There is some evidence to indicate a lack of clear accountability.

For example, in new construction rooms are identified as to be used for special education purposes. Soon after new construction is completed, it is determined the rooms will be needed for regular classes and the special education classes are relegated to some less desirable location. Or, specialists, such as speech therapists, remedial reading teachers or others, are paid completely from special education funds while, in fact, a majority of their time is assigned to areas outside the special education realm.

The educational and training requirements of the handicapped are very real and must have every possible resource applied to the process to enable them as students to achieve their greatest potential. Therefore, an accounting of capital expenditures as well as personnel costs on a specific per capita basis must be required to encourage the appropriate application of resources to the handicapped.

We have learned a great deal through our experiences in Pennsylvania and will be happy to answer questions that you may have of the Pennsylvania experience.

Thank you.

4/6/73

THE TESTIMONY OF PAUL E. CRAWFORD, ESQ.
CONCERNING SENATE BILL 6 BEFORE THE SENATE SUBCOMMITTEE
ON THE HANDICAPPED IN NEWARK, N.J., ON APRIL 9, 1973

By way of introduction I am an attorney in Wilmington, Delaware who has worked closely with the Delaware Association for Retarded Children and the Delaware Advisory Council for Exceptional Children on various projects of a legal, legislative and social nature seeking redress of inequities in the education and treatment of handicapped children.

Delaware is a small state with big problems in the field of educating the handicapped. A November, 1972 report by the Delaware Department of Public Instruction, which is the state-wide agency responsible for education in Delaware, shows that a total of 2,689 handicapped children were deprived of special education opportunities in 1972. By itself this is a startling fact, but when considered in light of Delaware's very small overall population (less than a half a million) it shows that there is a tremendous need for immediate action in this area.

The aforementioned report shows that over 2,000 of the children being deprived of special education have been excluded for want of adequate funding for special education facilities. Delaware, like all states, finds itself in a severe financial bind and generally the State Legislature has been unwilling to vote the extra money needed to provide this special education. They have even gone so far as to put arbitrary limits on the number of special education classes which can be established in the state. These excluded children must have access to the educational system or they will end up as useless wards of the state or overwhelming burdens on their parents.

Another problem not covered by the above statistics is the shabby treatment accorded the severely and profoundly retarded in Delaware. No pretense of education or due process has been accorded these children who are "treated" in what are euphemistically called "day care centers." These centers do not even fall under the jurisdictional guidelines of the Department of Public Instruction but rather are run by the Department of Health and Social Services, in an apparent end run to avoid the state compulsory education statute. Admittedly, many of these children will not respond fully to education in the traditional sense, but all experts in the field of retardation agree that they will benefit to some extent from a formalized type of education rather than the babysitting services now provided them.

The day care centers similarly suffer from gross underfunding. Almost all of the centers utilize rented part-time facilities having only bare essentials available to train the children. For example, one of the primary goals of the day care centers is to properly toilet train the children. Yet most of the day care centers do not have any toilet facilities adjacent to the room where the children play, and thus it is necessary to set up portable toilets in their play rooms separated only by cloth curtains from the play area. Needless to say, such facilities are totally inadequate and there is a crying demand for facilities for these children - numbering 190 throughout the state - specially designed for treatment of their problems and to provide them with a decent chance at a start on education.

Another area of concern in Delaware is the lack of vocational education for handicapped children. There is a proposal in Delaware to draft a state plan for vocational education of the handicapped,

but this is barely off the ground and it will be several years before anything constructive comes of it. Further militating against a speedy implementation of any such plan is the lack of funding by the State legislature. It has been consistently shown that the money spent on vocational training of the handicapped child is money well-spent on making that person a contributory citizen rather than a drain on the public treasury.

Apart from the monetary aspects of Senate Bill 6, it provides real incentives to the states to properly classify handicapped children. This coupled with guaranteed due process accorded parents or guardians dissatisfied with their child's classification should go a long way to dispel the inequities which have developed in Delaware with regard to classification and placement of the handicapped. At the present time there is little or no recourse for a parent whose child is misclassified other than resort to the courts which obviously is out of the question for most families.

I believe the mandatory classification and review provisions of Senate Bill 6 buttressed with the threat of fund termination is one of the most significant aspects of this bill. As an attorney and private citizen who has seen the "second class" status accorded handicapped children, I request this Committee to act favorably on Senate Bill 6 since the proposed funding is so urgently needed by the states and families with handicapped children.

TESTIMONY BEFORE SENATE SUBCOMMITTEE ON THE HANDICAPPED, RE S. 6, "EDUCATION FOR ALL HANDICAPPED CHILDREN ACT," APRIL 9, 1973, NEWARK, NEW JERSEY --- BY ROBERT E. STEARNS, PRESIDENT AND MEMBER OF THE MONTGOMERY COUNTY ASSOCIATION FOR RETARDED CITIZENS, SILVER SPRING, MARYLAND

Mr. Chairman and Members of the Committee:

An estimated 50,000 handicapped children in the state of Maryland --- 40 percent of the total --- are now languishing in a condition of limbo that points up the urgency of the bill before you. These children are not receiving a free publicly-supported educational program appropriate to their special needs. Just recently they've been given a glimmer of a promise that they will get the education due them --- but not immediately. And the reason cited for this postponement of hope is that neither the state nor the counties, nor both together, have the fiscal resources to provide this education right away.

Support of special education in Maryland is a joint state-local affair, with the state currently spending \$26 million a year for this purpose, and the counties and other local units, a roughly comparable amount. This is a sound partnership so far as it goes, but as will be seen, it needs the addition of a third party, the Federal Government, to succeed.

Last year, a team of lawyers headed by the incoming president of the Maryland Bar Association, Norman Ramsey, and by Ralph Moore, a volunteer member of our association, filed suit to require the state of Maryland to provide publicly-supported education for all handicapped children in the state. Partly because of this suit, Maryland Governor Marvin Mandel ordered the preparation of a bill to set up a program to meet this need. The bill was introduced in the Maryland legislature in February as HB 662 and SB 649.

On first glance, the bill appeared to be a solution. It required for the state department of education to develop standards for educational programs for all handicapped children and it required local governmental units to set up programs in accordance with these standards and put them into effect.

On closer scrutiny, however, the bill proved not so promising. The definition of handicapped children therein did not include the severely and profoundly handicapped, who, according to experts in the field, can also benefit greatly from an educational program, and who have long been the ones most overlooked by public school administrators. The bill also included a limit on the amount of annual increase in state aid for handicapped children --- 10 percent, or scarcely enough to account for inflation and built-in cost escalation. But worst of all, the bill called for a phase-in schedule that would devote the next two school years to planning and the five years after that to implementation. Thus, many handicapped children could find themselves waiting until 1980 before getting educational programs.

By dilatory lobbying, bill-amending, press conferencing, TV appearing and demonstration thrusting, a coalition of citizen lobbyists from leading parents' organizations serving the handicapped succeeded in getting the bill amended to broaden the definition so it includes the severely handicapped, and to ease the limit on annual spending increases. But so far, we have been unable to get rid of the over-extended phase-in period that can keep a handicapped child on the outside looking in, like a specter at the feast, for up to seven long years.

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Why does the Maryland Governor insist on the phase-in period? Because, his spokesmen maintain, the state does not have the money to pay for the costs involved in fully implementing a program of education for all the handicapped right away, or next year, or the year after that, and so on. Moreover, in the discussions on this bill, a number of local government leaders have asserted that they, too, don't have the funds to pay their share of an immediate expansion. Whether these reasons are justified or not — and we continue to argue that they are not — the plea of fiscal inadequacy on the state and local level continues to be a political fact of life in preventing immediate action in this area.

Maryland's new special education bill may pass the state legislature in the next few weeks. But it is a bill that calls for a program delayed, a hope deferred, an education postponed. We will do our best to get this phase-in period abolished when the 1974 session of the legislature meets, but 1974 is an election year for Maryland's governor and state legislators, and election year, we are told, is tighter when it comes to state spending, than even the year before election year. Unless we succeed in moving up this timetable, the 40 per cent of the state's handicapped children who are not being properly educated will have a long time to wait.

Our experience in the past few weeks in Maryland shows that Federal aid is clearly needed to enable counties and states to meet their obligations to educate the handicapped child. We strongly urge this committee to push this bill through Congress, and past the Presidential veto that is likely to be lodged against it, so that the handicapped child everywhere in the nation will at last get the education he needs to become a contributing citizen, and not a burden on himself, his family, and his community.

GOVERNOR WILLIAM T. CAHILL
STATE OF NEW JERSEY
STATEMENT FOR THE
SENATE SUBCOMMITTEE ON THE HANDICAPPED
APRIL 9, 1973, NEWARK, NEW JERSEY

The objective of all of our efforts is to provide for each child an opportunity to fulfill his or her own individual capacity to learn. If you examine the extent and scope of the provisions for education and services for handicapped children on a National basis it is evident that there is much diversity from state to state. You would find an abundance of limited or no service, a major number of makeshift and poor quality programs and services, and a major shortage of quality personnel. All too infrequently you find a program which satisfies the educational needs of the handicapped child, the emotional needs and aspirations of the parents and the rigorous desires of the professionals to provide the full measure of opportunity for the children they serve.

The evident diversity throughout the Nation, in a large measure, is due to the inter-relationship between public attitudes, philosophical commitment, political and legislative interest, local and state fiscal concerns, long-term priorities of the states, and class action suits.

The Courts have become the means by which parents have sought redress from the variety of barriers in the path of a quality education for their handicapped children. This redress through court action has been sporadic, time consuming and has added the factor of pending decisions to the complex picture of

services to the handicapped. The consequence of all of these factors has been a patchwork of programs and services on a nationwide basis.

As the handicapped population increases and continues to be more mobile the need for adequate programs and services on a nationwide basis becomes more and more vital. The discrepancy between states has produced parental movement so that children can be adequately provided for. This has further produced inequities in the fiscal responsibilities of individual states for the handicapped children they serve.

New Jersey, I am proud to say, was one of the earliest states to mandate services for the handicapped. It has expanded its programs substantially in its close to 20-year commitment to the task and its citizens have unstintingly financed this growing effort. New Jersey presently serves over 125,000 handicapped children ages 3 to 20 in every area of disability. We provide a full professional evaluation of every handicapped child and a variety of programs ranging from supplementary instruction in regular class to special individualized classes for the handicapped. We have attained National prominence in providing Vocational Education and yet there is more to be accomplished. I have in the 1974-1975 fiscal year begun the effort to develop comprehensive services to the pre-school handicapped child and to expand the educational opportunities for the deaf and hard of hearing. New Jersey has met the challenge of the parental demands for due process by providing a viable and expedient professional and administrative

redress system for parental concerns. This effort has been borne by New Jersey citizens at a cost of over \$100 million for the school year 1971-1972; Federal funding supplies \$7 million for the handicapped as a supplement to this effort. This commitment to the handicapped has resulted in New Jersey's status as a high priority placement State for military personnel with handicapped children. It has attracted seriously handicapped, trainable, retarded children because of its early commitment to these children within the educational framework.

The Federal Government has shown a growing awareness of the need to provide leadership in the area of the handicapped. The establishment of the Bureau of Education for the Handicapped and the growing fiscal support for Training, Services and Research programs in the area of the handicapped adequately attest to this. The Federal support has not, however, been directed to serving the identified handicapped child on an individual basis. Prior to Senate Bill No. 6, there has been no major incentive for the establishment and continuance of programs within states. There is a need for the Federal Government to lend its fiscal resources to the task of helping develop adequate programs for all handicapped children wherever they reside.

Senate Bill No. 6 represents a vitally needed commitment by Congress and the Federal Government to support education and services for the handicapped. The requirements set forth in this legislation under which the individual States are to receive the funds is a prototype of what every handicapped child, their parents and the professionals who serve them would desire in the provision of educational programs and services. It is a synthesis of the kind of commitment that each State should have as they deal with

handicapped children but often overlook because of myriad fiscal demands.

Senate Bill No. 6 bodes well for a major upgrading of the extent and quality of educational programs for the handicapped on a national scale. It assures fiscal aid for those states just beginning the task of educating their handicapped children, adds a needed fiscal boost to states which have fully recognized their commitments but which find themselves fiscally deterred from major implementation and also allows those states with large fiscal commitments to be recognized for their efforts and encourages them to further extend their capabilities. I would like to add a caution in this regard; while the financial need is indeed extensive it is extremely important that we remain flexible in our deliberations regarding this legislation as we consider its present fiscal implications in view of necessary budgetary restraint. A lower level of funding or a revision of the formulae for reimbursement would still satisfy a critical need for assistance to the states.

Senate Bill No. 6 is fundamentally a quality piece of Legislation which continues a National commitment to the handicapped, recognizes a critical fiscal need and requires a state commitment to the education of the handicapped. I commend those who have played a part in its conception.

TOTAL N.J. PUBLIC SCHOOL POPULATION 1575202

HANDICAPPING CONDITIONS	TOTAL HANDICAPPED POPULATION BY AGE							1971-72		NAT. INCIDENCE LEVEL
	AGE BREAKDOWN							TOTAL NUMBER OF STUD.	TOTAL ENROLL.	
	0-4	5-8	9-12	13-16	OVER 17	TOTAL				
EDUCABLE MENTALLY RETARDED	16	2282	6039	7654	2707	18728	1.188	1055782	2.3%	
TRAINABLE MENTALLY RETARDED	6	1146	1329	979	722	4182	0.265			
ORTHOPEDEICALLY HANDICAPPED	8	536	836	1130	513	3023	0.191	45,904	0.1%	
NEUROLOGICALLY IMPAIRED	15	2104	3870	1482	243	7524	0.477	459,040	1.0%	
PERCEPTUALLY IMPAIRED	18	5054	7862	3183	483	16580	1.052			
VISUALLY HANDICAPPED	2	105	198	99	19	423	0.026	45,904	0.1%	
AUDITORIALLY HANDICAPPED	5	1040	877	484	189	2605	0.165	263,848	.875%	
COMMUNICATION HANDICAPPED	119	31169	17850	4623	612	54373	3.451	1605640	3.5%	
EMOTIONALLY DISTURBED	17	1536	3261	2613	690	8117	0.515	918,080	2.0%	
SOCIALLY MALADJUSTED	3	256	672	887	185	2012	0.127	183016	0.4%	
CHRONICALLY ILL	8	526	1133	2233	1325	6235	0.332			
MULTIPLE HANDICAPPED	4	764	763	385	113	2059	0.130	27,542	.06%	
OTHER	2	137	173	104	60	476	0.030	0.00	0.00%	
TOTAL	223	46644	44883	25916	7881	125337	7.956	1608466	10%	

*Includes some duplicated counts, estimated not to exceed 5%.

HANDICAPPING CONDITIONS	TOTAL HANDICAPPED POPULATION BY SEX AND ETHNIC ORIGIN 1971-72											
	SEX						ETHNIC ORIGIN					
	% MALE	% FEMALE	% WHITE	% BLACK	% PUERTO RICAN	% CUBAN	% WHITE	% BLACK	% PUERTO RICAN	% CUBAN	% OTHER	% OTHER
EDUCABLE MENTALLY RETARDED	11786 63%	6832 31%	10286 54.9%	7083 27.9%	1074 6.8%	174 .9%	10286 54.9%	7083 27.9%	1074 6.8%	174 .9%	63 .5%	63 .5%
TRAINABLE MENTALLY RETARDED	2436 58.2%	1746 41.8%	3078 72.6%	845 20.2%	168 4.7%	33 .8%	3078 72.6%	845 20.2%	168 4.7%	33 .8%	26 .7%	26 .7%
ORTHOPEDICALLY HANDICAPPED	1667 55.1%	1356 44.9%	2191 72.5%	677 22.4%	105 3.5%	40 1.3%	2191 72.5%	677 22.4%	105 3.5%	40 1.3%	10 .3%	10 .3%
NEUROLOGICALLY IMPAIRED	5402 71.8%	2122 28.2%	6132 81.5%	1161 15.4%	155 2.1%	43 0.6%	6132 81.5%	1161 15.4%	155 2.1%	43 0.6%	33 .4%	33 .4%
PERCEPTUALLY IMPAIRED	11853 71.5%	4727 28.5%	13204 79.8%	2785 16.9%	361 2.2%	128 .8%	13204 79.8%	2785 16.9%	361 2.2%	128 .8%	102 .6%	102 .6%
VISUALLY HANDICAPPED	285 67.4%	138 32.6%	274 64.8%	111 26.2%	33 7.8%	3 .7%	274 64.8%	111 26.2%	33 7.8%	3 .7%	2 .5%	2 .5%
AUDITORILY HANDICAPPED	1891 61.1%	1014 38.9%	1832 74.2%	475 18.2%	149 6.7%	25 1.0%	1832 74.2%	475 18.2%	149 6.7%	25 1.0%	24 .9%	24 .9%
COMMUNICATION HANDICAPPED	34412 83.3%	19961 36.7%	41110 75.6%	10213 18.8%	2007 3.7%	739 1.4%	41110 75.6%	10213 18.8%	2007 3.7%	739 1.4%	304 .5%	304 .5%
EMOTIONALLY DISTURBED	5852 72.1%	2265 27.9%	6161 76.8%	1697 20.9%	161 2.0%	74 .9%	6161 76.8%	1697 20.9%	161 2.0%	74 .9%	34 .4%	34 .4%
SOCIALLY MALADJUSTED	1827 75.9%	485 24.1%	1255 62.4%	669 33.3%	70 3.5%	11 .5%	1255 62.4%	669 33.3%	70 3.5%	11 .5%	7 .3%	7 .3%
CHRONICALLY ILL	2518 48.1%	2717 51.9%	3555 67.9%	1433 27.5%	147 2.8%	72 1.4%	3555 67.9%	1433 27.5%	147 2.8%	72 1.4%	23 .4%	23 .4%
MULTIPLE HANDICAPPED	1358 66%	701 34%	1825 78.9%	340 16.5%	83 3.1%	19 .9%	1825 78.9%	340 16.5%	83 3.1%	19 .9%	12 .6%	12 .6%
OTHER	287 60.3%	189 39.7%	374 78.7%	64 13.4%	32 6.7%	2 .4%	374 78.7%	64 13.4%	32 6.7%	2 .4%	4 .8%	4 .8%
TOTAL	80964 84.6%	44353 35.4%	91170 72.7%	27568 22%	4555 3.7%	1363 1.1%	91170 72.7%	27568 22%	4555 3.7%	1363 1.1%	631 .5%	631 .5%

HANDICAPPING CONDITIONS	TOTAL HANDICAPPED PUPILS BY PROGRAM 1971-72														NOT ABLE TO PROFIT NEITHER EDUCABLE NOR TRAINABLE			
	SPECIAL EDUCATION CLASSES			NON PUBLIC			STATE OPERATED			HOME INSTRUCTION			SUPPLEMENTAL INSTRUCTION (SPEECH)			SUPPLEMENTAL INSTRUCTION (OTHER)		
	TOTAL	% OF PUPILS	% OF HAND	TOTAL	% OF PUPILS	% OF HAND	TOTAL	% OF PUPILS	% OF HAND	TOTAL	% OF PUPILS	% OF HAND	TOTAL	% OF PUPILS	% OF HAND	TOTAL	% OF PUPILS	% OF HAND
EDUCABLE MENTALLY RETARDED	14838	79.8	101	.5	18	.1	310	1.7	2286	12.3	1070	5.6						
TRAINABLE MENTALLY RETARDED	2898	60.3	166	3.7			64	1.5	985	23.6	79	1.9						
ORTHOPEDICALLY HANDICAPPED	835	21.0	62	2.1	102	3.4	1853	64.6	149	4.9	122	4.0						
NEUROLOGICALLY IMPAIRED	2770	35.8	749	9.9			193	2.6	1664	20.8	2248	29.9						
PERCEPTUALLY IMPAIRED	1589	9.6	15	.1			196	1.2	2571	15.5	12209	73.6						
VISUALLY HANDICAPPED	106	25.1					13	3.1	26	5.9	20	4.7	259	61.2				
AUDITORIALLY HANDICAPPED	480	18.4	32	1.2	715	27.5	16	.6	735	28.2	627	24.1						
COMMUNICATION HANDICAPPED	123	2	46	.1	42	.1	169	.3	63530	98.4	463	.9						
EMOTIONALLY DISTURBED	1867	23.0	1723	21.2	11	.1	1213	15.0	789	9.7	2514	31.0						
SOCIALLY MALADJUSTED	883	43.9	84	4.2			350	17.4	63	3.1	632	31.4						
CHRONICALLY ILL	875	12.9	7	.1			4388	83.8	11	2	156	3.0						
MULTIPLE HANDICAPPED	479	23.3	122	6.0	97	4.7	137	8.7	651	31.6	573	27.7						
OTHER																		
TOTAL	27441	21.9	3007	2.5	995	.8	9012	7.2	63364	50.6	20852	16.6				476	100.0	.4

HANDICAPPING CONDITIONS	SPECIAL EDUCATION CLASSES 1971-72													
	AGE BREAKDOWN						TEACHER CERTIFICATION INFORMATION					NUMBER OF PUPILS IN PROGRAM		
	0-4	5-8	9-12	13-16	OVER 17	TOTAL (20+)	TOTAL CLASSES	PER CENT	STD	PROV	EMER	PRE- ELEM	ELEM	SECON- DARY
EDUCABLE MENTALLY RETARDED	10	610	4682	7102	2532	14836	1301	54.4	1003	271	73	28	9245	5701
TRAINABLE MENTALLY RETARDED	1	468	940	843	646	2898	357	10.6	302	33	22	22	2485	391
ORTHOPEDEICALLY HANDICAPPED	1	135	246	178	75	635	79	2.3	65	12	2		574	61
NEUROLOGICALLY IMPAIRED	3	423	1708	505	41	2770	361	10.1	295	56	10	16	2529	165
PERCEPTUALLY IMPAIRED	2	393	851	319	24	1589	159	5.8	100	54	4		1482	107
VISUALLY HANDICAPPED	1	21	54	26	4	106	15	0.4	15				105	1
AUDITORIALLY HANDICAPPED	1	252	141	83	3	480	73	1.7	53	19	1	58	422	
COMMUNICATION HANDICAPPED	1	63	46	13		123	17	0.5	15	1	1	7	116	
EMOTIONALLY DISTURBED	3	165	1004	619	76	1867	274	6.8	191	68	12		1505	329
SOCIALLY MALADJUSTED	1	21	249	525	87	883	101	3.2	48	42	11		527	356
CHRONICALLY ILL	2	16	56	264	335	675	32	2.6	26	3	2		190	476
MULTIPLE HANDICAPPED	2	157	215	91	14	479	67	1.7	51	14	2	9	368	102
OTHER														
TOTAL	28	2724	10194	10658	3537	27441	2836	103.0	2164	523	140	140	19812	7689

HANDICAPPING CONDITIONS	STATE OPERATED 1971-72						TOTAL 1971-72	PER CENT
	0-4	5-8	9-12	13-16	OVER 17			
EDUCABLE MENTALLY RETARDED			8	7		15	1.5	
TRAINABLE MENTALLY RETARDED								
ORTHOPEDICALLY HANDICAPPED	2	31	40	29		102	10.3	
NEUROLOGICALLY IMPAIRED								
PERCEPTUALLY IMPAIRED								
VISUALLY HANDICAPPED	1	5	1	5	1	13	1.3	
AUDITORIALLY HANDICAPPED		188	173	200	154	715	71.9	
COMMUNICATION HANDICAPPED		15	21	6		42	4.2	
EMOTIONALLY DISTURBED		1	9	1		11	1.1	
SOCIALLY MALADJUSTED								
CHRONICALLY ILL								
MULTIPLE HANDICAPPED		17	16	28	34	95	9.7	
OTHER								
TOTAL	3	257	276	276	189	905	100.0	

HANDICAPPING CONDITIONS -	NON-PUBLIC 1971-72						PER- CENT
	0-4	5-8	9-12	12-16	OVER 17	TOTAL (total c)	
EDUCABLE MENTALLY RETARDED		20	11	18	62	101	3.3
TRAINABLE MENTALLY RETARDED		74	20	12	50	156	5.0
ORTHOPEDICALLY HANDICAPPED	1	38	11	10	2	62	2.0
NEUROLOGICALLY IMPAIRED	5	181	234	193	76	749	24.2
PERCEPTUALLY IMPAIRED		4	4	6	1	15	0.6
VISUALLY HANDICAPPED							
AUDITORIALLY HANDICAPPED	1	10	10	8	3	32	1.0
COMMUNICATION HANDICAPPED		16	12	17	1	46	1.5
EMOTIONALLY DISTURBED	6	146	471	836	264	1723	55.6
SOCIALLY MALADJUSTED	2		10	61	11	84	2.7
CHRONICALLY ILL			3	3	1	7	0.2
MULTIPLE HANDICAPPED		40	35	36	11	122	4.0
OTHER							
TOTAL	15	529	881	1200	472	3097	100.0

HANDICAPPING CONDITIONS	SUPPLEMENTAL INSTRUCTION (SPEECH) 1971-72						PER. CENT
	0-4	5-8	9-12	13-16	OVER 17	TOTAL (row 1)	
EDUCABLE MENTALLY RETARDED	5	1350	735	163	23	2296	3.6
TRAINABLE MENTALLY RETARDED	4	577	315	79	10	985	1.6
ORTHOPEDICALLY HANDICAPPED	1	86	48	12	2	149	0.2
NEUROLOGICALLY IMPAIRED	5	917	501	125	16	1564	2.5
PERCEPTUALLY IMPAIRED	5	1511	823	208	26	2571	4.1
VISUALLY HANDICAPPED		11	7	2		20	.03
AUDITORIALLY HANDICAPPED	3	431	235	59	7	735	1.2
COMMUNICATION HANDICAPPED	118	30940	17502	4410	560	53530	84.5
EMOTIONALLY DISTURBED	3	462	253	63	8	789	1.2
SOCIALLY MALADJUSTED		37	20	5	1	63	0.1
CHRONICALLY ILL		6	4	1		11	.02
MULTIPLE HANDICAPPED	2	382	208	52	7	651	1.0
OTHER							
TOTAL	146	36710	20651	5197	680	63364	100.0

HANDICAPPING CONDITIONS	SUPPLEMENTAL INSTRUCTION (OTHER) 1971-72						PER CENT
	0-4	5-8	9-12	13-16	Over 17	TOTAL (sum of)	
EDUCABLE MENTALLY RETARDED	1	268	635	234	32	1070	6.1
TRAINABLE MENTALLY RETARDED		20	40	17	2	79	.4
ORTHOPEDICALLY HANDICAPPED		31	61	26	4	122	.6
NEUROLOGICALLY IMPAIRED	2	662	1124	493	67	2248	10.7
PERCEPTUALLY IMPAIRED	11	3125	6141	2763	369	12209	58.3
VISUALLY HANDICAPPED		66	130	56	8	259	1.2
AUDITORIALLY HANDICAPPED		157	314	136	16	627	3.0
COMMUNICATION HANDICAPPED		116	232	101	14	463	2.2
EMOTIONALLY DISTURBED	2	629	1267	551	75	2514	12.0
SOCIALLY MALADJUSTED		158	316	139	16	632	3.1
CHRONICALLY ILL		26	78	34	5	156	.7
MULTIPLE HANDICAPPED		143	287	126	17	573	2.7
OTHER							
TOTAL	16	8313	12816	4478	630	20852	100.0

HANDICAPPING CONDITIONS	HOME INSTRUCTION 1971-72					TOTAL (100%)	PER CENT
	0-4	5-6	9-12	13-18	Overall		
EDUCABLE MENTALLY RETARDED		24	68	140	68	310	2.6
TRAINABLE MENTALLY RETARDED		7	14	23	14	64	.7
ORTHOPEDICALLY HANDICAPPED	3	216	430	876	430	1963	21.7
NEUROLOGICALLY IMPAIRED		21	43	88	43	193	2.1
PERCEPTUALLY IMPAIRED		21	43	88	43	196	2.2
VISUALLY HANDICAPPED		3	6	10	6	25	.3
AUDITORY HANDICAPPED		2	4	6	4	18	.2
COMMUNICATION HANDICAPPED		19	37	76	37	169	1.9
EMOTIONALLY DISTURBED	3	133	267	543	267	1213	13.5
SOCIALLY MALADJUSTED		38	77	157	77	350	3.9
CHRONICALLY ILL	6	405	860	1631	860	4306	48.6
MULTIPLE HANDICAPPED		15	30	62	35	137	1.6
OTHER							
TOTAL	12	974	2509	4604	2013	9012	100.0

HANDICAPPING CONDITIONS	NOT ABLE TO PROFIT NEITHER EDUCABLE NOR TRAINABLE 1971-72					TOTAL N	PER CENT
	0-4	5-8	9-12	13-16	Over 17		
EDUCABLE MENTALLY RETARDED							
TRAINABLE MENTALLY RETARDED							
ORTHOPEDICALLY HANDICAPPED							
NEUROLOGICALLY IMPAIRED							
PERCEPTUALLY IMPAIRED							
VISUALLY HANDICAPPED							
AUDITORIALLY HANDICAPPED							
COMMUNICATION HANDICAPPED							
EMOTIONALLY DISTURBED							
SOCIALLY MALADJUSTED							
CHRONICALLY ILL							
MULTIPLE HANDICAPPED							
OTHER	2	137	173	104	80	478	100.0
TOTAL	2	137	173	104	80	478	100.0

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
225 WEST STATE STREET
TRENTON, NEW JERSEY 08625

DIVISION OF CURRICULUM AND INSTRUCTION
Bureau of Special Education and Pupil Personnel Services

RULES AND REGULATIONS PURSUANT TO TITLE 18A, CHAPTER 46,
NEW JERSEY STATUTES, (June 24, 1970)
TITLE 6, CHAPTER 28 NEW JERSEY ADMINISTRATIVE CODE

These rules and regulations supersede all previous rules and
regulations pertaining to special education.

December
1972

RULES AND REGULATIONS PURSUANT TO TITLE 18A, CHAPTER 46,

NEW JERSEY STATUTES, (June 24, 1970)

TITLE 6, CHAPTER 28 NEW JERSEY ADMINISTRATIVE CODE

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RULES AND REGULATIONS PURSUANT TO TITLE 18A, CHAPTER 46,
NEW JERSEY STATUTES, (June 24, 1970)
TITLE 8, CHAPTER 28 NEW JERSEY ADMINISTRATIVE CODE

8:28-1 INTRODUCTION

The following rules and regulations are adopted by the State Board of Education and supersede all existing rules and regulations pertaining to the education of the handicapped.

The legislation contained in Title 18A, Chapter 46, Laws of 1968 is intended to unify and consolidate services previously provided in Chapters 178 and 179 of the Laws of 1954, Chapter 104 of the Laws of 1959, Chapter 232 of the Laws of 1962, and Chapter 29 of the Laws of 1966.

The legislation specifically requires each local public school district to identify and classify all handicapped children between the ages of five and twenty and to provide an appropriate educational program for them. Beyond this, the local public school district may identify and classify handicapped children below the age of five and beyond the age of twenty who do not hold a diploma from an approved secondary school and may provide appropriate educational programs.

Diagnosis and classification shall include comprehensive medical examination, psychological evaluation, social case study, and educational assessment by approved child study team personnel functioning jointly.

Special consideration shall be given to the prevention and early discovery of learning handicaps which adversely affect a child's ability to learn and to the provision of appropriate educational programs.

These rules and regulations shall also be applicable to County Boards of Education and Educational Services Commissions.

8:28-2 GENERAL CONSIDERATIONS

A child shall be considered handicapped under Chapter 46 of Title 18A when he is impaired physically, emotionally, intellectually or socially to such extent that without the aid of special facilities, special professional staff, special supplies and equipment, special time schedules and/or special methods of instruction he would not, in the judgment of the child study team, be expected to function educationally in a manner similar to that of children not so impaired. Determination that individual children are so handicapped and recommendation for appropriate program and/or placement shall be the function of the basic child study team employed by a local board of education.

A basic child study team, acting in consultation with a

physician, shall consist of a school psychologist, a learning disabilities specialist, and a school social worker. A child study team may also include a psychiatrist experienced in work with children, a school administrator, a classroom teacher, a school nurse, a guidance counselor, a speech correctionist, a remedial reading teacher, and other members of the school professional staff as may be recommended by the basic child study team with the approval of the chief school administrator. Specific professional personnel as described in these rules and regulations are required in the classification of certain handicaps and their reports shall be considered by the basic child study team in making those certain classifications. A comprehensive physical examination shall be given by a physician (see Section III., § 1.).

All children classified shall have such classification established during a conference attended by a representative of each of the basic professional areas and such classification shall be based on the data obtained by the prescribed professionals.

All members of the basic child study team shall be employees of the board of education or the State Board of Education. Approval of the Commissioner of Education shall be obtained for the purchase by the local school district of services of eligible and/or approved diagnostic clinics, agencies, or professionals in private practice representing a basic child study team discipline functioning in lieu of or to supplement members of the basic child study team.

Classification shall be used to plan appropriate educational programs, to determine and to provide appropriate facilities and to provide a basis for the assignment of the appropriately qualified instructional staff. Effort shall be made by the local district to prevent needless public labeling or categorizing classified children.

Reports submitted by local school districts to the Bureau of Special Education and Pupil Personnel Services shall be sent via the office of the respective county superintendent.

8:28-3 IDENTIFICATION

- a. Local boards of education shall be responsible for the identification of handicapped children between the ages of five and twenty who are residents of their school district and are not attending nonpublic schools. Local boards of education may assume such responsibility for children below the age of five and beyond the twentieth birthday.
- b. The identification process may involve the judgment of teachers, medical and health professionals, school administrators, special services personnel, parents, and/or agencies concerned with the welfare of children. The identification process shall include a planned screening

procedure. Every effort should be made to identify the preschool handicapped child in the district.

8:28-4 CLASSIFICATION

- a. Local boards of education shall provide for such diagnostic examinations as are necessary to determine the need of special education programs for pupils who manifest disabilities in one or more of the following areas:
 1. Mentally retarded
 2. Visually handicapped
 3. Auditorily handicapped
 4. Communication handicapped
 5. Neurologically or perceptually impaired
 - (a) Neurologically impaired
 - (b) Perceptually impaired
 6. Orthopedically handicapped
 7. Chronically ill
 8. Emotionally disturbed
 9. Socially maladjusted
 10. Multiply handicapped
- b. Examination and classification shall include the following:
 1. A comprehensive physical examination, designed to assist in the classification process, shall be given by a physician employed by the local board of education. If a parent or guardian of the child employs his own physician, a report of such physical examination which is acceptable to the school physician shall suffice. In either case, the school physician shall submit a report of the child's physical examination to the child study team to assist in the classification.
 2. A psychological examination shall be given by a certified school psychologist and shall include, but not be limited to, a comprehensive battery of evaluation instruments which are intended to assess the intellectual, social, and emotional development of the child. An approved psychological examiner may be used for classifying handicapped children.
 3. An educational assessment shall be made by an approved learning disabilities specialist and shall include, but not be limited to, an evaluation of the nature and causes of learning disabilities as well as determination of the individual's educational competencies on the functional level.
 4. A social case study shall be made by a certified school social worker and shall include, but not be limited to,

an evaluation of the family and community factors which contribute to the child's problem and which serve as supportive resources.

5. Classification data of a child identified as handicapped or disabled shall include, where appropriate or designated in the rules and regulations, the examination results or findings of an appropriate specialist such as a pediatrician, psychiatrist, neurologist, ophthalmologist, optometrist, etc., employed by the local board of education or the New Jersey State Department of Education for this purpose.
6. Reports and evaluations from an approved clinic or agency or professional in private practice, representing a basic child study team discipline, may be accepted by the respective members of the basic child study team.

When a school district is unable to employ a basic child study team, the school district shall utilize the services of an eligible approved clinic or agency or professionals in private practice, representing basic child study team disciplines, to classify handicapped children. This shall be done only with the advance written approval of the Commissioner of Education. Application for such approval shall be made by the school district through the office of the respective county superintendent of schools to the Deputy Assistant Commissioner of the Bureau of Special Education and Pupil Personnel Services of the New Jersey State Department of Education. Approval of the use of the services of such clinics, agencies, and professionals in private practice, representing a basic child study team discipline and acting as a team in the child evaluation process in lieu of the basic child study team shall be contingent upon the employment of personnel approved by the Bureau of Special Education and Pupil Personnel Services. Such services may also be used supplemental to those of the basic child study team.

c. Special classification considerations:

1. A child who cannot give evidence to the child study team of understanding and responding in a positive manner to simple directions expressed in the primary communication of that child and who cannot in some manner express basic wants or needs due to mental retardation may be classified as "neither educable nor trainable."
2. A child who manifests chronic atypical behavior in an educational situation, which behavior is a threat to

himself or others, and who cannot respond nor benefit from appropriately planned learning experiences in public or nonpublic school settings may be classified as "not able to profit from prescribed instructional programs."

3. Classification which describes the child as "not able to profit from prescribed instructional programs" or "neither educable nor trainable" shall be re-examined annually by a basic child study team. Such re-examination may be made whenever there is evidence to indicate a change in status, or at the beginning of the next school year or on the request of the parent or guardian of the child no later than one year from the date of the last previous examination and classification.
 4. Parents or guardians of children classified as "not able to profit from prescribed instructional programs" or "neither educable nor trainable" shall be notified in writing at the time of the original classification of the school district's responsibility to re-examine and reclassify such children upon presentation of the child by the parent or guardian after one year has elapsed.
 5. Subject to review and approval of the Commissioner of Education, children classified as "neither educable nor trainable" or "not able to profit from prescribed instructional programs" may be refused admission or excluded from the education program of a public school district. All such children shall be reported immediately according to Chapter 46-18 of Title 18A.
- d. Other classification considerations:
1. All classifications are subject to review and approval by the Bureau of Special Education and Pupil Personnel Services of the New Jersey State Department of Education.
 2. The classification report shall include the names of those members of the child study team who participated in the examination and/or classification, and shall be signed by the chairman.
 3. A child new to a school district and identified as handicapped but not classified as handicapped by the district from which the child came, may be refused admission or removed from an educational program for a period not to exceed thirty (30) calendar days pending examination and classification.
 4. Classification resulting in placement in a special education program shall be valid for a period not to

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exceed three (3) years. Re-examination and classification shall be made whenever conditions warrant. However, a comprehensive review of a child's classification and his special education program shall be made by the basic child study team within a period not to exceed three (3) years after classification.

5. Children confined to their homes or a hospital by a physician because of physical illness or injury need not be classified by the child study team before home instruction is initiated. Notification shall be made to the child study team of children when such confinement exceeds a period of sixty (60) calendar days.
6. Only those personnel and approved agencies directly concerned with determining the classification or the making of recommendations for placement, and those directly involved in the educational program of the individual child shall have access to the classification records.
7. Interpretations of examination results and professional findings prior to special placement shall be reported to the parent or guardian of a child classified by the basic child study team and records of such reporting shall be maintained.

e. Definitions:

The classification of handicapped children shall be the responsibility of members of the basic child study team of the local district acting jointly. In determining the classification of handicapped children, the basic child study team shall be guided by the following definitions, though not necessarily be limited by them:

1. Mentally Retarded

Children who, as a result of examination, are considered to be mentally retarded shall be classified as (a) educable, (b) trainable, or (c) mentally retarded to such a degree as to be "neither educable nor trainable."

- (a) A child shall be considered to be mentally retarded (educable) who (1) performs on a standardized clinical test of intelligence within a range encompassing approximately $1\frac{1}{2}$ to 3 standard deviations below the mean; (2) gives evidence of limitation to a very low level of ability to think abstractly; and (3) gives evidence of less ability to function socially without direction than that displayed by his intellectually-average peers.

- (b) A child shall be considered mentally retarded (trainable) who, (1) performs on a standardized clinical test of intelligence beyond 3 standard deviations below the mean and is unable to use symbols in the solution of problems of even low complexity; (2) is unable to function well socially without direct and close supervision; and (3) is unable to learn a systematic decoding process to pronounce new words in his native tongue. The child shall be capable of remembering a sequence of words, sounds, and rhythms, be able to respond to simple stimulus-response learning experiences, is aware of obvious hazards, and is able to learn to feed himself when presented with food, and gives advance notice of basic body needs.
- (c) Extreme caution shall be exercised in classifying children as mentally retarded who satisfy requirements (1), (2), and (3), and who have additional health and sensory impairment or who are known to have had significant deprivation in ordinary growth experiences. These conditions may adversely affect evaluation.
- (d) A child who cannot give evidence to the basic child study team of understanding and responding in a positive manner to simple directions expressed in the primary communication of that child and who cannot in some manner express basic wants or needs due to mental retardation may be classified as "neither educable nor trainable."

2. Visually Handicapped

A child shall be classified as visually handicapped (partially sighted), whose visual acuity with correction is 20/70 or poorer, or who, as a result of some other factors involved in visual functioning, cannot function effectively in a learning environment without a special educational program. A child shall be classified as visually handicapped (blind), whose visual acuity, with correction is 20/200 or poorer in the "better" eye and requires a knowledge and skill in the use of Braille for educational purposes.

A person who is legally qualified to examine the child to determine disability of vision shall be employed by the local board of education to examine the child to determine the nature and cause of the deficiency of the visual acuity of the child. Whenever possible, a member of The Commission For The Blind should act as a consultant to the basic child study team in developing the educational program of a visually handicapped child.

Children classified as visually handicapped (blind) shall be reported to The New Jersey Commission For The Blind, the office of the county superintendent, and the Bureau of Special Education and Pupil Personnel Services.

3. Auditorily Handicapped

A child shall be classified as auditorily handicapped (deaf), when his residual hearing is not sufficient to enable him to understand speech and develop language successfully, even with a hearing aid, without specialized instruction. He is unable to interpret speech sounds as a result of an approximate 70 or more average decibel (ISO) loss in hearing in the "better" ear as measured with a calibrated audiometer by a person legally qualified to determine hearing disability.

A child shall be classified auditorily handicapped (hard of hearing) when his sense of hearing, although defective, is functional with or without a hearing aid, but whose hearing loss renders him unable to make full use of regular school experiences without special education. He should show a 36 or more average decibel (ISO) loss in hearing in either ear as measured with a calibrated audiometer by a person legally qualified to determine hearing impairment.

Classification procedures by a basic child study team shall include a determination of hearing made by a legally qualified practitioner in the field of hearing impairment.

4. Communication Handicapped

A child shall be classified as having a communication disorder when his native speech or language is severely impaired to the extent that it seriously interferes with his ability to use oral language to communicate and this disability is not due primarily to a hearing impairment.

The classification of communication handicapped shall be made by the basic child study team and an approved speech correctionist or speech pathologist. An exception to the above is the classification of simple articulation disorders which may be made by an approved speech correctionist or speech pathologist without child study team consultation. Such children shall be reported to the basic child study team.

5. Neurologically or Perceptually Impaired

(a) Neurologically Impaired

A child shall be classified as being neuro-

logically impaired as a result of an examination which shows evidence of specific and definable central nervous system disorder. The procedure to determine such impairment shall be administered by a person qualified in the field of neurology. This disability shall be determined by the basic child study team to be related to impairment of the educational functions of the pupil.

(b) Perceptually Impaired

A child shall be considered to be perceptually impaired who exhibits a learning disability in one or more of the basic processes involved in the development of spoken or written language but which are not primarily due to sensory disorders, motor handicaps, mental retardation, emotional disturbance, or environmental disadvantage. The disabilities are manifested in the perceptual areas involved in listening, thinking, speaking, reading, writing, spelling, and the study of arithmetic.

The determination of this classification shall rest with the basic child study team.

Each child, so classified, shall have been evaluated in such a manner that an individual educational program related to the learning disability can be specified.

For grouping such children in a special class program for the perceptually impaired, such program shall be described in writing and submitted for prior approval to the Bureau of Special Education and Pupil Personnel Services.

6. Orthopedically Handicapped

A child shall be classified as orthopedically handicapped who, because of malformation, malfunction or loss of bones, muscle, or body tissue, needs a special educational program, special equipment or special facilities to permit normal learning processes to function.

The classification of the medical aspects of the orthopedic disability shall be made by the school physician or an orthopedic specialist approved by him. An orthopedic specialist shall be utilized for classification purposes whenever feasible.

Determination of the need for a special educational program shall be the responsibility of the basic child study team.

7. Chronically Ill

A child who, because of illness such as tuberculosis, epilepsy, lowered vitality, cardiac condition, leukemia, asthma, malnutrition, pregnancy, or other physical disabilities which are otherwise uncategorized but which make it impracticable for the child to receive adequate instruction through the regular school program, shall be classified under the category of chronically ill.

In determining the classification of chronic illness, the school physician may make the medical examination himself or he may accept the medical report of another qualified physician. The school nurse shall assist in the accumulation of the data necessary to make the evaluation. Determination of the need for a special educational program shall be the responsibility of the basic child study team.

8. Emotionally Disturbed

A child shall be considered to be emotionally disturbed when his behavior is characterized by a pattern of functioning which is so inappropriate as to call attention to itself and which severely limits the individual from profiting from regular classroom learning experiences or severely hinders other pupils in the class from profiting from regular classroom learning experiences. The emotionally disturbed child further characterizes himself by a pattern of expression of emotion inappropriate to the situation in a matter of degree and quality. However, the emotionally disturbed child must give evidence of a degree of rational behavior which permits some communication with authority figures indicative of ability to profit from instruction under specially controlled circumstances.

Classification of emotionally disturbed children and recommendations of educational programs shall be made by the basic child study team augmented by the evaluation of a psychiatrist trained or experienced in working with children.

9. Socially Maladjusted

A child shall be considered to be socially maladjusted when his pattern of social interaction is characterized by conflicts which he cannot resolve adequately without the assistance of authority figures, or when his behavior is such as to interfere seriously with the well-being or the property of those with whom he associates.

The socially maladjusted child exhibits his maladjustment chiefly in his persistent inability to abide by the rules and regulations of social structure.

Classification of socially maladjusted children and recommended educational programs shall be made by the basic child study team augmented by the evaluation of a psychiatrist trained or experienced in working with children.

10. Multiply Handicapped

A child shall be considered to be multiply handicapped who, after proper identification and classification according to these rules and regulations, is found to qualify in any two or more categories of the handicap described in Chapter 46 of Title 18A, Laws of 1968. Primary and secondary handicaps shall be listed for classification purposes.

Classification of the multiply handicapped and determination of priorities to be set in special education services shall be made by the basic child study team with the consideration of the reports of appropriate medical specialists.

8:26-5 PLACEMENT AND PROGRAMS

Handicapped pupils shall be assigned to educational programs according to how they can best achieve success in learning. Whenever possible, handicapped pupils shall be grouped and/or participate with non-handicapped children in activities that are part of their educational programs.

Children classified as handicapped shall be the primary instructional responsibility of a teacher certified to teach pupils so disabled. Such teachers shall provide instruction designed to correct or compensate for the disability as well as work cooperatively with other teachers to whom the handicapped child may be assigned for portions of his educational program.

The placement of handicapped pupils shall be the responsibility of the chief school administrator, or his designated agent, acting for the board of education and shall be based on the recommendations of the basic child study team employed by the local board of education or the findings of a clinic or child evaluation center whose services are purchased by the local board of education.

Handicapped children may be served in an appropriate educational program on any of the following bases, but not necessarily in the order named:

- a. Instruction at school supplementary to the other programs in the school whenever, in the judgment of the board of education with the consent of the Commissioner, the handicapped pupil will best be served thereby. Teacher aides, under the supervision of a principal, teacher of the handicapped or other personnel, appropriately certified, may assist instruction

in special class or other special programs according to Title 8:11-41.

- b. A special class or program in the district or operated by a county vocational school including a class or program in hospitals, convalescent homes, or other institutions.
- c. A special class in the public schools of another district or vocational schools in this state or an adjoining state.
- d. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts.
- e. A jointure commission program.
- f. A State of New Jersey operated program.
- g. Sheltered workshops in conjunction with other educational programs in the local district. Such sheltered workshops shall be approved by the New Jersey Rehabilitation Commission and the Bureau of Special Education and Pupil Personnel Services.
- h. Sending children capable of benefiting from a day school instructional program to privately operated nonprofit day classes in New Jersey or a nearby state within four hundred (400) miles of Trenton, New Jersey, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the Commissioner it is impracticable to provide services pursuant to subsections a., b., c., d., e., f., or g., otherwise.
- i. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the Commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections a., b., c., d., e., f., g., or h., otherwise.

The educational program for handicapped pupils shall be described in a plan which indicates its individualization and which includes criteria for its evaluation. Such plans shall be the responsibility of the basic child study team and the school administration working jointly and cooperatively.

Children classified as handicapped shall not be denied because of such handicap participation in extracurricular, intramural, and interscholastic activities as well as health, recreation, and social services activities.

Handicapped pupils who successfully complete the prescribed secondary educational program shall receive the secondary school diploma of the local district.

Local school districts shall establish and put to use criteria to evaluate the effectiveness of their program for the education of the handicapped. Such criteria and evidence of their use shall be subject to review by the Bureau of Special Education and Pupil Personnel Services.

8:28-6 SPECIAL REQUIREMENTS ON PROMOTION AND TRANSITION FROM SCHOOLS

The local school district, independently or in concert with other school districts, shall provide an appropriately sequential program, kindergarten through secondary school completion, for all classified handicapped pupils.

- a. The elementary school shall certify that a handicapped child has completed the offerings of the elementary special education program. The child's program then becomes the responsibility of the secondary school. Transition from the elementary school to the secondary school shall be determined by many factors including years in school; social and vocational development; chronological age; need for the social, vocational and varied instructional opportunities of the secondary school; and achievement in keeping with one's abilities and needs.
- b. In the event that immediate classification review cannot be provided when a handicapped child transfers from one school district to another, the child shall continue with his former classification and the appropriate special instructional program shall be provided for a period not to exceed thirty (30) calendar days.
- c. In a formal sending-receiving relationship the receiving school becomes responsible for reclassification when necessary and for special instructional and child study team services.
- d. In other than formal sending-receiving relationships contracted agreement shall be made between school districts regarding handicapped pupils which specify responsibility for providing special instructional services and child study team services.

8:28-7 CRITERIA FOR APPROVAL OF SPECIAL EDUCATIONAL PROGRAMS

- a. A special program shall be defined as one planned for individual handicapped children under the supervision of an appropriately certified or approved teacher who regularly provides instruction to the children and shall plan and implement the program of these handicapped children which may include instruction by other teachers.
- b. The following requirements pertaining to health and safety shall be observed:
 1. Suitable health services shall be part of the school program.

2. Adequate provision by the local board of education for continuing child study team services appropriate to the children's disabilities.
 3. Provisions for rest, lunch, and special training in accordance with the needs of the pupils.
 - c. Adequate building facilities shall be provided:
 1. Building facilities shall allow for the use of such special equipment and activity programs as pertain to the needs of handicapped children.
 2. Emergency approval of temporary quarters for such classes shall have the annual approval of the county superintendent of schools. It is renewable if, in the opinion of the county superintendent, effort is being made for the provision of adequate and proper school accommodations.
 - d. A course of study or training, adapted to the special needs and abilities of the pupils with emphasis on their capabilities, shall be offered.
 - e. The teacher or teachers assigned to the program shall hold an appropriate teaching certificate as prescribed by the State Board of Education.
 - f. Instructional materials and educational media suitable to the education or training of handicapped children shall be provided in consideration of ability and age levels, and in recognition of educational and social needs.
 - g. Any joint provision for supervision of programs, facilities, examinations or transportation shall meet the provisions of Chapter 46-24, of Title 18:A.
 - h. Supervision of educational programs for the handicapped in local school districts shall be performed by appropriately certified and qualified supervisors of instruction.
 - i. Class size and grouping shall be appropriate to the disability and need of the children involved.
- In the following categories or subcategories the maximum class size shall not exceed:
1. (a) chronically ill - 20, (b) orthopedically handicapped - 15, (c) educable mentally retarded - 15, (d) trainable mentally retarded - 10, (e) socially maladjusted - 12, (f) communication handicapped - 10, (g) neurologically impaired - 8, (h) perceptually impaired - 12, (i) emotionally disturbed - 8, (j) visually handicapped - 8, (k) auditorily handicapped - 8, (l) multiply handicapped - 8.

2. The above maximum class sizes may be increased by no more than one-third by the addition of teacher aides or auxiliary teachers with advance approval from the Bureau of Special Education and Pupil Personnel Services.
3. No class shall have on roll more than one and one-half the maximum class size for that classification for departmentalized programs.
4. For academic instructional purposes no group shall contain at any one time during a school day more than the maximum number of children designated for a specific category of handicap. This does not pertain to physical education, art and other such activities.
5. Factors of chronological and mental age shall be weighed in the formation of special classes, as well as factors of social adjustment. The age span shall not exceed four years except upon the approval of the Bureau of Special Education and Pupil Personnel Services.
6. Participation in a regular school activity program shall be provided to the extent that the capabilities of the child permit as determined by the child study team. All services (e.g., shop, art, music, home economics, etc.,) extended to so-called normal children shall be provided for the handicapped child.
7. Exceptions regarding group size, age range and classification restrictions for experimental purposes may be made with prior approval of the Bureau of Special Education and Pupil Personnel Services.

Reports of general and special examinations used in the identification, classification, placement or instruction of handicapped pupils and records descriptive of the child's needs, abilities and progress shall be available to the Commissioner of Education and his designated representatives. Records concerning the handicapped shall be made available through the basic child study team to state agencies designated by the Bureau of Special Education and Pupil Personnel Services.

8:28-8

APPROVAL OF INDIVIDUAL INSTRUCTION (HOME INSTRUCTION OR BEDSIDE INSTRUCTION) FOR HANDICAPPED PUPILS

Individual instruction shall be interpreted to mean instruction in lieu of regular classroom instruction.

Children confined to their home, or to a hospital by a physician because of illness or injury shall receive an appropriate educational program at their place of confinement upon ascertainment and notification to the appropriate school administrator that such confinement is expected to extend to a period of at least two weeks.

Children enrolled in the public schools shall receive

instruction at home, hospital, or school when they are confined to such home, hospital, or school on the advice of the school physician as a result of physical disability or illness contagious to others, or on the recommendation of the basic child study team because of psychological or psychiatric considerations. The instruction shall be for not less than five hours per week except when so recommended by the basic child study team or school physician. These five hours shall be accomplished by no less than three daily visits by the teacher.

Classification by the child study team is not necessary to determine the child's eligibility for instruction when the child's absence from school is reported by the school physician to be due to physical and/or medical reasons. Review of such report by the child study team shall be considered to be in lieu of classification.

Individual home instruction via telephone or television without limit may be given without the presence of a teacher at the child's place of confinement for all except two hours per week of the instruction. Such two hours shall extend over two days by the teacher.

The child placed on individual instruction on the recommendation of the school physician or child study team shall receive no less a program than that required by the local board of education for promotion and/or graduation when the school physician or child study team finds the scope of such a program is not detrimental to the child.

Teachers providing individual instruction shall be certified teachers and when possible, certified in the area of the child's handicap, school level or subject. Teachers providing individual instruction for the visually or auditorily handicapped shall hold the appropriate certificate for teaching the handicapped.

8:28-9

LENGTH OF SCHOOL DAY AND YEAR

Full day educational programs shall be provided. Exceptions shall be made only on the recommendation of the child study team with the approval of the chief school administrator and the Commissioner of Education.

- a. To be approved for state aid, the following conditions pertaining to length of school day and year shall be observed:
 1. No child six years of age or older shall regularly receive less than four hours' instruction a day except upon the recommendation of the child study team and with the special approval of the chief school administrator.
 2. The school year of a handicapped child confined to home instruction may be extended beyond the normal school

period when such instruction is necessary for promotion or graduation.

3. Children under the age of six (6) enrolled in an approved special education program shall be in daily attendance for a minimum period of 24 hours.

8:28-10 APPROVAL FOR SUPPLEMENTAL INSTRUCTION

Supplemental instruction shall be that instruction provided children classified as handicapped, which is given in addition to the regular instructional program of such children. Supplemental instruction shall be provided at a school or other facility operated and controlled by the local board of education.

Supplemental instruction shall be considered part of the planned curriculum for those handicapped children for whom it has been prescribed by the basic child study team. It shall be the responsibility of the school administration to appoint a coordinator of such services.

The teachers providing supplemental instruction shall be appropriately certified or approved and shall be employed by the board of education of a public school district.

TRANSPORTATION OF HANDICAPPED PUPILS

The board of education shall furnish daily transportation within the state to all children classified as handicapped who shall qualify therefor pursuant to law and state regulations and shall furnish such transportation for a lesser distance to any handicapped child upon the recommendation of the basic child study team or school physician subject to the approval of the chief school administrator of the district and the county superintendent of schools.

The local board of education shall provide such service as may be necessary to insure the safety of handicapped pupils being transported. This may also include placing the child in an approved carrier and removing him therefrom.

8:28-11 RECORDS AND PROCEDURES

- a. The State Department of Education shall provide each school system with suggested guides for program operation and evaluation.
- b. Local school district programs for the handicapped shall be subject to periodic review by appropriate representatives of the Commissioner of Education.
- c. Records of handicapped children:
 1. All required records shall be available for study by

appropriate personnel of the New Jersey State Department of Education.

2. A system of records shall be maintained which indicates the following: findings of surveys, the manner in which the surveys are conducted, information obtained describing handicapped children identified, examinations conducted, classification and educational recommendations, placements, programming and the corresponding dates.
3. A file containing a copy of pertinent records of each handicapped child who received special instructional services shall be maintained in a central location. This record shall show the basis of classification, nature of examinations, examination findings, educational recommendations, details of programs provided, and annual progress reports.
4. Additional case records may be maintained by those persons engaged in studies of the handicapped child or in the implementation of his educational program.

8:28-12 APPROVAL PROCEDURES FOR REIMBURSEMENT PURPOSES

Each school district, jointure, county and regional board of education, and college administrator of a program for the handicapped shall provide, in writing, a report of the educational program for the handicapped. Such description shall be submitted to the office of the county superintendent of schools and the Bureau of Special Education and Pupil Personnel Services, Division of Curriculum and Instruction of the New Jersey State Department of Education, prior to the thirtieth of October of the school year for which approval is requested. The report shall include: (1) a listing of the professional staff assigned to identify, classify and instruct handicapped children; (2) evidence of the availability of individual educational plans for handicapped children; (3) evaluative criteria to be used by the district in determining the effectiveness of the program; and (4) the method used by the district to identify and classify the handicapped.

Additional reports which shall be made available upon request of the staff of the Commissioner of Education shall include, but not be limited to: (1) all the data that formed the basis for the classification of the children and the recommendations made by the child study team; (2) a list of all handicapped pupils suspended or excluded, the dates of suspension or exclusion, and the causes of suspension or exclusion; (3) data concerning these children who receive individual and supplemental instruction, and (4) those placed in other school districts, in private schools or in public institutions.

The approved special education services for handicapped children above and below the mandatory school age shall be reimbursable to the local school district by the State of New Jersey to the extent of one-half such costs.

8:28-13 ELIGIBILITY OF A SCHOOL OR ORGANIZATION OTHER THAN ONE OPERATED BY A LOCAL BOARD OF EDUCATION IN NEW JERSEY TO RECEIVE PAYMENT FROM BOARDS OF EDUCATION FOR THE EDUCATION OF HANDICAPPED PUPILS

Procedures for placement of a public school pupil in a nonpublic school setting shall be prescribed by the Bureau of Special Education and Pupil Personnel Services.

- a. The receipt of board of education funds by a school or organization other than one operated by a local board of education in New Jersey for providing education for a handicapped pupil is contingent upon advance approval of the placement in each individual case by the Commissioner of Education. Each board of education is responsible for the day school cost of individually approved nonpublic school placements not to exceed the maximum tuition cost figure established by the State Board of Education for the school year considered, from the time the board records the action in its minutes until the placement is terminated by either the board, private facility, the parents of the child, or the state agency which placed him in that facility. Boards of education may provide tuition costs for eligible nonpublic school placement retroactive only to the time the local child study team had determined the need for such a program. Tuition payments can only be made for the current school year.
- b.* In order to be eligible to receive pupils from a sending district pursuant to the provisions of N.J.S.A. 18A:46-1 et seq., a nonpublic school which provides special facilities and educational programs may not charge a tuition rate which exceeds the maximum day class cost of education per pupil in similar special education classes in New Jersey public schools as determined according to a formula prescribed by the Commissioner with the approval of the State Board of Education.
- * An exception to this rule will be made for the 1970-71 school year for any child of secondary age or grade who was enrolled by a sending district board of education during the 1969-70 school year in an approved nonpublic school and whose placement in such school has been approved for state aid.

Each board of education shall establish a written contract with the eligible nonpublic school for each school year or portion of the school year the student is attending an eligible educational program at a nonpublic school. Sample contracts are available from the Bureau of Special Education and Pupil Personnel Services.

Monies paid by a board of education to an eligible nonpublic school are for services already rendered. No prepayment of any kind may be made by either a parent or board of education.

- c. Each nonpublic school or organization, to be eligible to receive board of education funds shall file an affidavit with the Commissioner of Education affirming that its services are nonprofit and nonsectarian and that its educational program complies with the provisions of Chapter 46 of Title 18A.

and the Rules and Regulations of the State Board of Education.

- d. Each professional person occupying a position and providing educational services to New Jersey public school pupils in an eligible nonpublic school in New Jersey comparable to a position in a New Jersey public school for which there is certification or approval requirements shall submit evidence of eligibility for an appropriate New Jersey certificate or approval. In no case shall emergency certification be acceptable.

Each professional person occupying a position and providing educational services to New Jersey public school pupils in a nonpublic school outside of New Jersey and within four hundred (400) miles of Trenton, New Jersey, shall hold an appropriate teaching certificate from the state in which the nonpublic school is located or submit evidence that he is eligible for such certification in New Jersey.

Letters indicating eligibility of a nonpublic school teacher holding a provisional certificate must be renewed annually showing evidence of having completed a minimum of four credits toward full certification.

- e. The nonpublic school educational program shall be considered the educational program of the local school district. Instructional programs for handicapped pupils in day classes in schools or facilities other than those operated by a local board of education within four hundred (400) miles of Trenton, New Jersey, shall meet the following requirements:
1. The instructional program shall be appropriate and contribute to the educational needs of the pupil. A course of study or training, adapted to the special needs and abilities of the pupil with emphasis on his capabilities, shall be offered.
 2. The private school or organization shall file reports on the adjustment and instructional progress of each pupil at regular intervals as stipulated by the sending district but not less than twice during the school year.
 3. Class size and grouping shall conform with standards required of New Jersey public schools.
 4. Records of general and special examinations used in the identification, classification, placement, instruction and progress of the handicapped pupil shall be available to the Commissioner of Education, his designated representative and approved agencies.
 5. The nonpublic school or organization shall immediately notify the sending district if the pupil is withdrawn from the instructional program or if by reason of

illness or for other causes there is protracted or unusual absence of the pupil.

6. The educational program shall be open to observation at any time to the chief school administrator of the sending district or his representatives, and to the Commissioner of Education or his representatives.
7. In New Jersey the physical facilities of the nonpublic school are subject to approval by the county superintendent of schools in the county in which the facility is located or by an official representative of the State Department of Education. Such approval is for only one year and may be renewed each year by the county superintendent of schools or by an official representative of the State Department of Education. Facilities out of state may be approved by the appropriate state approval agencies of the state in which the facility is located or by a representative of the New Jersey State Department of Education.
8. The academic year shall be defined as the period between the time school opens in the sending district after the general summer vacation, until the next succeeding summer vacation of the sending district school. The school day should be commensurate with that of the public school of New Jersey.
9. The attendance of each pupil for whom tuition is received shall be recorded and submitted to the local board of education. The record shall be submitted to the sending district at the end of the school year or at any time upon request of the local school district.
10. The nonpublic school or organization shall make available to each sending board of education and the Commissioner of Education such financial and other records as are required for the computation of tuition costs. Instructional or day school costs must be listed separately from the costs of room, board, treatment and other services where provided. Capital improvement shall not be included in determining such tuition costs. Records shall be available to the Commissioner of Education or his representatives for review.

8-28-14 REQUIREMENTS FOR APPROVAL OF CLINICS, AGENCIES AND PROFESSIONALS IN PRIVATE PRACTICE PURSUANT TO CHAPTER 46-12 OF TITLE 18A

- a. Definition: A clinic, agency or professional in private practice, representing a basic child study team discipline, shall be defined for the purposes of this Act to be an individual or organization which offers diagnostic and evaluative services for handicapped children and is operated by an individual or group other than a local school board.
- b. Description of procedures:

Each clinic, agency and professional in private practice,

representing a basic child study team discipline, requesting approval must provide a detailed written description of procedures to be followed in providing evaluation services to local districts according to rules and regulations.

c. Personnel approvals required:

All personnel providing services pursuant to Chapter 46-12 of Title 18A, shall possess appropriate certificates or approval of credentials as issued by the New Jersey State Department of Education. Approvals required shall be consistent with standards indicated in rules and regulations of the State Board of Education.

4. Duration of approvals:

Approvals are for one year.

e. Limits of approvals:

Approvals are limited to the stated claims of the clinics, agencies or professionals in private practice, representing a basic child study team discipline, in their application for approval. Approvals shall be based on qualifications of personnel and procedures used to determine evaluation and reporting practices.

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
225 WEST STATE STREET
TRENTON, NEW JERSEY 08625

Education of the Handicapped

Title 18A: Chapter 46
and Amendments

DIVISION OF CURRICULUM AND INSTRUCTION

Branch of Special Education
and
Pupil Personnel Services

October 1972

TO THE READER:

It shall be the duty of each Board of Education to provide suitable facilities and programs of education for all children who are classified as handicapped....

Special Education programs and services for handicapped children enrolled in public schools are mandated by law...
New Jersey Statutes Annotated, Title 18A: Chapter 46.

Additional requirements are cited in Rules and Regulations promulgated by the State Board of Education, Title 6, Chapter 28, New Jersey Administrative Code.

It should be noted that current amendments to Chapter 46, Title 18A, New Jersey Statutes Annotated, begin on page .

Chapter 46. CLASSES AND FACILITIES FOR HANDICAPPED CHILDREN.

Article 1. Definitions.

18A:46-1. Definitions. As used in this chapter a handicapped child shall mean and include any child who is mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted or multiply handicapped.

Article 2. Commissioner's Staff and Advisory Council.

18A:46-2. Special educational services; appointment of professional personnel; advisory council; membership; no compensation. The commissioner shall be responsible for the coordination of the work of the county departments of child study and the general administration of special educational services in the public schools of this state.

In order to carry out the provisions of this chapter, he shall appoint to his staff persons qualified to administer educational services in the general field of education for handicapped children including each of the following disability groups: (1) mentally retarded, (2) orthopedically handicapped, (3) communication handicapped, (4) visually handicapped, (5) neurologically or perceptually impaired, (6) chronically ill, (7) emotionally disturbed, (8) socially maladjusted, (9) and the auditorily handicapped, and a consultant experienced in child psychiatry, and specialists in school psychology, health service, school social work, learning disabilities and special education and such other qualified personnel as he shall deem necessary and he shall fix their compensation with the approval of the state board.

The commissioner shall appoint biannually an advisory council with the approval of the state board which will consist of not less than seven nor more than 15 members representative of professional and lay interests. The advisory council shall advise in the promulgation of rules, regulations and the implementation of this chapter and the establishment of standards and qualifications for the professional personnel. The council shall serve without remuneration.

Article 3. County Departments of Child Study and Child Study Teams.

18A:46-3. County departments of child study; duty; membership; qualifications; designating chairman. When the results of a survey of handicapped children in any county, in the opinion of the commissioner warrants it, he shall, with the approval of the state board, establish a department of child study which shall be charged with the duty of performing the services required to be performed at

the county level under this chapter. He shall appoint for each county department of child study or, with the approval of the state board, for one or more county departments of child study, a supervisor, whose duties shall include the coordination of the special education services in the county, and he shall appoint, such additional personnel, constituting a child study team as he deems necessary to perform such services for handicapped children.

In addition to the supervisor of child study the members of each child study team shall include personnel qualified to administer, supervise or otherwise perform the special education services required under this chapter.

The county superintendent of the county or the county superintendents of the counties served by one child study team jointly shall, with the approval of the commissioner, designate a member of the child study team to serve as chairman and in event that they cannot agree the chairman shall be designated by the commissioner.

18A:46-4. Terms; salaries; supervisor's expense. The commissioner shall fix the terms of office and compensation of the supervisor and other members of the child study team. Their salaries shall be paid as other state salaries are paid by warrants drawn by the director of the division of budget and accounting on the state treasurer, on orders issued by the commissioner. All claims for expenses of the supervisor, not exceeding in any one year the sum of \$750.00 for each county, not more than two, in which he shall serve, shall be paid after being audited by the county superintendent on orders issued by the county superintendent and drawn on the county treasurer.

18A:46-5. Functions of child study teams. Each county child study team shall function in consultation with the local boards of education in the county or the local boards of education in the counties served by it in the fields pertaining to:

- a. identification and diagnosis of children needing special educational services,
- b. development and approval of public school programs for handicapped pupils,
- c. supervision and coordination of public school programs for handicapped pupils,
- d. reporting and referral of children with handicaps, of such severity as to indicate the necessity of residential placement, medical or psychological treatment, or care, to the appropriate agency for such purpose,
- e. social case work and psychological evaluation,
- f. remedial instruction,
- g. cooperative action with other state and county departments and lay professional organizations, and
- h. additional responsibilities as determined by the commissioner with the approval of the state board.

Article 4. Classification of Handicapped Children; Facilities and Programs.

18A:46-6. Ascertainment of handicapped children in districts. Each board of education shall identify and ascertain, according to rules prescribed by the commissioner with the approval of the state board, what children between the ages of five and 20 in the public schools of the district, if any, cannot be properly accommodated through the school facilities usually provided because of handicaps.

18A:46-7. Reports of handicapped children. Each board of education shall report annually to the county superintendent of schools of the county in which the school district is situate, who shall report to the commissioner, the names of all children who are in special education instructional programs and the names and addresses of their parents or persons having control or custody of them, together with the category into which they have been classified. Included in this report shall be the names and addresses of any known handicapped children who are not attending school. The commissioner shall make the information in the reports available to any state agency charged with the care and restoration of any particular category of handicapped children.

18A:46-8. Classification of handicapped children. Each handicapped child shall be identified, examined and classified according to procedures, prescribed by the commissioner and approved by the state board, under one of the following categories: mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, social maladjusted or multiply handicapped.

18A:46-9. Classification of mentally retarded children. Each child classified pursuant to Section 18A:46-8 as mentally retarded shall be similarly further identified, examined and classified into one of the following subcategories:

a. Educable mentally retarded children, who are those who may be expected to succeed with a minimum of supervision in homes and schools and community life and are characterized particularly by reasonable expectation that at maturity they will be capable of vocational and social independence in competitive environment;

b. Trainable mentally retarded children, who are so severely retarded that they cannot be classified as educable but are, notwithstanding, potentially capable of self-help, of communicating satisfactorily, or participating in groups, of directing their behavior so as not to be dangerous to themselves or others and of achieving with training some degree of personal independence and social and economic usefulness within sheltered environments;

c. Children who are so mentally retarded as to be neither educable nor trainable.

18A:46-10. Classification according to ability; scope of educational service. Pupils identified as needing special education services to ameliorate or to prevent the development of learning handicaps shall be classified according to their ability to benefit from specified types of educational service, and such educational service shall be conducted according to rules and regulations prescribed by the commissioner, with the approval of the state board, and may include, but need not be limited to:

- a. case work with the pupil at home or school,
- b. counseling or guidance,
- c. remedial instruction,
- d. special scheduling of a school program including part-time attendance in special or regular groups,
- e. referral to other agencies or institutions for special services,
- f. special grouping in school for children whose prognosis is favorable for return to the regular program, and
- g. arrangement through the commissioner for direct services through the county department of child study.

18A:46-11. Psychological and other examinations. Each board of education shall separately or jointly with one or more boards of education employ a psychological examiner, who acting jointly with special education personnel approved by the commissioner, shall administer the procedures for diagnosis and classification required in this chapter, or, in lieu of employing a psychological examiner, it or they may contract to use, with or without financial reimbursement, the psychological or other services of any clinic or agency approved by the commissioner.

18A:46-12. Approval of clinics. The commissioner with the approval of the state board and of the state board of control of the department of institutions and agencies, shall prescribe suitable standards for the approval by him of any clinic or agency furnishing services pursuant to this chapter.

18A:46-13. Facilities to be furnished. It shall be the duty of each board of education to provide suitable facilities and programs of education for all the children who are classified as handicapped under this chapter except those so mentally retarded as to be neither educable nor trainable. The absence or unavailability of a special class facility in any district shall not be construed as relieving a board of education of the responsibility for providing education for any child who qualifies under this chapter.

A board of education is not required to provide any further educational program for children who have been admitted to the Marie H. Katzenbach School for the Deaf but shall be required to furnish necessary daily transportation, Monday through Friday, to and from the school for nonboarding pupils when such transportation is approved by the county superintendent of schools in accordance with such rules and regulations as the State board shall promulgate for such transportation.

18A:46-14. Enumeration of facilities and programs. The facilities and programs of education required under this chapter shall be provided by one or more of the following:

- a. a special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;
- b. a special class in the public schools of another district in this state or an adjoining state;
- c. joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts;
- d. a jointure commission program;
- e. a state of New Jersey operated program;
- f. instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the handicapped pupil will be best served thereby;
- g. sending children capable of benefiting from a day school instructional program to privately operated day classes, in New Jersey or an adjoining state or a nearby state and within 400 miles of Trenton, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsections a, b, c, d, e, or f otherwise;
- h. individual instruction at home or in school whenever in the judgment of the board of education with the consent of the commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections a, b, c, d, e, f, or g otherwise.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or an adjoining State or nearby State and is enrolled in an education program approved under this article, the board of education of the district in which the child is domiciled shall pay the tuition of said child in the special education program.

The board of education may also furnish: (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this state or in any other state in the United States, (b) suitable approved facilities and programs for children under the age of five.

18A:46-15. Facilities and programs; approval by commissioner; the commissioner with the consent of the state board shall, according to the rules and regulations prescribed by him and approved by the state board, approve all special facilities and education programs which meet the requirements of this chapter. He shall from time to time, by the use of available members of his staff, by the publication of bulletins, and by any other means available to him assist boards of education in formulating programs required under this chapter.

18A:46-16. Exclusion of pupils pending examination and classification. A pupil may be refused admission to, or be excluded temporarily from, the schools of any district for a reasonable time pending his examination and classification pursuant to this chapter.

18A:46-17. Exclusion of untrainable mentally retarded children. The superintendent of schools, or the principal of a school in a district where there is no superintendent, may, upon the advice of the psychological examiner or examiners administering classification procedures required by this chapter, refuse to admit, or, having admitted, exclude, any child whose mental retardation is so severe that he has been diagnosed and classified as not trainable under this chapter.

Any child so refused admission or excluded shall be reexamined, upon the request of the parent or other person having custody and control of the child, after a period of one year shall have elapsed from the date of the last previous examination.

18A:46-18. Reporting names of children excluded. The superintendent of schools or the principal of each school, as the case may be, shall forthwith report to the secretary of the board of education of the district the names of all children who have been refused admission or have been excluded under this chapter, and the names and addresses of their parents or persons having custody and control of them. Such refusal of admission or exclusion shall continue unless and until set aside by action of the board of education or lifted as a result of a reexamination. The superintendent or principal, as the case may be, shall report the names of any other mentally retarded children in the district known to him who are not in a private school or in a residential institution and who are considered to be uneducable or untrainable.

The secretary of the board of education, after the meeting of the board next following the meeting at which the names of the children not admitted or excluded are reported, shall report the names and addresses to the county superintendent of schools of the county in which the district is situate. The county superintendent shall furnish a list of such names and addresses to the commissioner, who shall, in turn, transmit copies of all such lists to the commissioner of institutions and agencies. Such lists shall not be made public, but shall be open to the inspection of such public and private agencies, only, as have a legitimate interest in it and then only to the extent so necessary; nor, shall the presence of any such name on such list necessarily constitute eligibility for admission to any of the institutions under the control of the department of institutions and agencies.

18A:46-19. Additional reports. The commissioner may require at such time, and in the manner and on forms prescribed by him, such educational, financial and statistical reports as he may deem necessary to carry out the purpose of this chapter.

Article 5. Sending and Receiving Districts and Schools.

18A:46-20. Receiving from outside of district. The commissioner may, in his discretion, with the approval of the state board, require any board of education, having the necessary facilities to provide the services required to be provided by this chapter, to receive pupils requiring such services from other districts.

18A:46-21. Tuition. Any board of education, jointure commission, state operated facility or private school which receives pupils from a sending district under this chapter shall determine a tuition rate to be paid by the sending board of education, but in no case shall the tuition rate in a non-public school exceed the maximum day class cost of education per pupil of children in similar special education classes in New Jersey public schools as determined according to a formula prescribed by the commissioner with the approval of the state board.

18A:46-22. Withdrawal of pupils by sending districts. Any board of education which has entered or hereafter shall enter its handicapped pupils in the schools of a receiving district may not withdraw such pupils for the purpose of entering them in the schools of another district unless good and sufficient reason exists for such a change and unless an application therefor is made and approved by the commissioner. Either the receiving or sending board of education, if dissatisfied with the determination of the commissioner on any such application, may appeal to the state board, and, in its discretion, that body may affirm, reverse, or modify his determination.

Article 6. Transportation of Pupils.

18A:46-23. Transportation of pupils; state aid. The board of education shall furnish daily transportation within the state to all children found under this chapter to be handicapped who shall qualify therefor pursuant to law and it shall furnish such transportation for a lesser distance also to any handicapped child, if it finds upon the advice of the examiner, his handicap to be such as to make such transportation necessary or advisable.

The school district shall be entitled to state aid for such daily transportation in the amount of 75% of the cost to the district of furnishing such transportation to a program approved under this chapter in New Jersey when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of the county in which the district paying the cost of such transportation is situated.

Article 7. Joint Facilities.

18A:46-24. Agreements for joint facilities, etc.; approval by commissioner. Any two or more districts may provide for facilities, examinations or transportation under this chapter under the terms of an agreement adopted by resolutions of each of the boards of education

concerned setting forth the essential information concerning the facilities, examination or transportation to be provided, the method of apportioning the cost among the districts and of computing the proportion of the state aid to which each district shall be entitled, and any other matters deemed necessary to carry out the purpose of the agreement. No such agreements shall become effective until approved by the commissioner.

18A:46-23. Jointure commissions for education and training under this chapter. When two or more boards of education determine to carry out jointly by agreement the duties imposed upon them in regard to the education and training of handicapped pupils the said boards may, in accordance with rules and regulations of the state board, and with the approval of the commissioner by the adoption of similar resolutions establish a jointure commission for the purpose of providing such services. Said commission shall, in accordance with rules of the state board, be composed of representatives of the respective boards of education, and shall organize by the election of a president and vice president.

18A:46-26. Powers of jointure commission. The commission may, in accordance with rules of the state board:

a. Provide and maintain the necessary facilities by acquiring land, building, enlarging, repairing, furnishing, leasing or renting;

b. Take such action as may be necessary for the lawful and proper conduct of the educational program for such children as are referred to the commission by boards of education which are members of the commission;

c. Employ necessary principals, teachers, and other officers

and employees, who shall have the same rights and privileges as those

who are similarly employed by local boards of education;

d. Accept pupils from other school districts and fix the tuition rates therefor;

e. Apportion among the contracting districts the amounts of the capital and current operating costs of the program so undertaken.

Within the limited responsibilities of this chapter and except as otherwise provided, the commission shall have and may exercise all the powers of a board of education in carrying out the purpose of this chapter.

18A:46-27. Duties of jointure commission. Each contracting board shall, in accordance with rules adopted by the state board:

a. Proceed to raise the amounts apportioned by the commission, in the same manner as other school funds for capital and current expense purposes are raised;

b. Pay to the commission such amounts as are apportioned by the commission;

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- c. Be responsible for the classification of children, within the district and making referral to the commission;
- d. Provide required transportation for pupils to and from school, referred to the commission.

18A:46-28. Withdrawal or joinder of districts. In accordance with rules of the state board:

- a. a contracting district may withdraw from the commission;
- b. an additional district may become a contracting district for the commission.

18A:58-5. Atypical pupils. In addition to all other aid:

a. Each state college operating an approved special class or classes for handicapped children shall be paid \$2,000.00 per class for such classes.

b. Each local school district, whether operating separately or jointly with one or more other school districts, shall be reimbursed by state aid for:

1. The cost of operating an educational program for handicapped children including costs of identification, examination, supervision and other special education services approved by the commissioner, to the extent of one half of such costs except that no local district, jointure commission or college demonstration school shall receive less than \$3,000.00 a class in state aid; and one half of the approved tuition paid to another local school district, jointure commission, state operated facility or private school, and

2. 75% of the cost to the district of furnishing transportation within the state, under a program approved under chapter 46 of this law, when the necessity for furnishing such transportation and the cost and method thereof, have been approved by the county superintendent of the county in which the district paying such cost is situated.

c. State aid in the amount of one half the apportionment by a jointure commission appointed pursuant to section 18A:46-25 to any contracting district for operational expenses shall be paid to the contracting district. Class state aid shall be apportioned to each contracting district in accordance with the number of pupils enrolled from the district.

(AMENDMENTS TO TITLE 18A:46)

1. 18A:46-14g is amended to read as follows:

g. Sending children capable of benefiting from a day school instructional program to privately operated nonprofit day classes, in New Jersey or an adjoining State or a nearby State and within 400 miles of Trenton or, with the approval of the commissioner to meet particular circumstances, at a greater distance from Trenton, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsections a, b, c, d, e, or f otherwise;

2. 18A:46-15 is amended to read as follows:

Facilities and programs; approval by commissioner; special classes for handicapped children; review; improvement

a. The commissioner with the consent of the State board shall, according to the rules and regulations prescribed by him and approved by the State board, approve all special facilities and education programs which meet the requirements of this chapter. He shall from time to time, by the use of available members of his staff, by the publications of bulletins, and by any other means available to him assist boards of education in formulating programs required under this chapter.

b. The commissioner shall continually review the operation of the programs of special education required under this chapter and whenever in any area or region of this State, in his judgment, handicapped children of one or more disability groups, as classified under N.J.S. 18A:46-8, are not receiving satisfactory education programs, despite the operation of facilities and programs approved by him pursuant to subsection a of this section, he shall, with the consent of the State board, order the establishment of a special class or classes for such group or groups in such area or region, either using the facilities to be provided by one or more boards of education pursuant to N.J.S. 18A:46-20b or of the facilities of one or more jointure commissions by directing one or more boards of education not members to become contracting districts of any thereof under N.J.S. 18A:46-28c.

c. The commissioner shall continually review the operation of such class or classes and in case the operation of any of such classes is not satisfactory to him he shall, with the consent of the State board, take such steps available under this chapter as may seem necessary to improve such operation including the use of different receiving districts and sending districts and the use of different jointure commissions or the addition or withdrawal of districts to or from existing jointure commissions.

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3. 18A:46-20 is amended to read as follows:

18A:46-20. Receiving pupils from outside district; establishing of facilities. The commissioner may, in his discretion, with the approval of the State board:

- a. Require any board of education, having the necessary facilities to provide the services required to be provided by this chapter, to receive pupils requiring such services from other districts; or
- b. Require any board of education not having the necessary facilities to provide the facilities and services required to be provided pursuant to N.J.S. 18A:46-15b and to receive pupils requiring such services from other districts. *(Receiving from outside of district.)

4. 18A:46-28 is amended to read as follows:

18A:46-28. Withdrawal or joinder of districts. In accordance with rules of the state board:

- a. A contracting district may withdraw from the commission;
- b. An additional district may become a contracting district for the commission;
- c. An additional district shall become a contracting district for the commission when so directed by the commissioner, pursuant to N.J.S. 18A:46-15b or N.J.S. 18A:46-15c;
- d. A contracting district shall withdraw from the commission when directed by the commissioner pursuant to N.J.S. 18A:46-15c.

5. ARTICLE 8, COUNTY FACILITIES
(New)

18A:46-29. County special services school district; finding of need; hearing; establishment; name

The board of chosen freeholders of any county may establish a county special services school district for the education and treatment of handicapped children, as such children are defined in N.J.S. 18A:46-1, upon its finding that the need for such county special services school district exists. Before making any finding as to the existence of such need, the board shall hold at least one public hearing thereon upon not less than 10 days notice of the time and place thereof published in a newspaper of general circulation in the county. If the board of freeholders, by resolution, authorizes the establishment of such a school district for the county, schools shall be forthwith established and maintained in the county and shall be known as the "schools for special services in the county of (here insert the name of the county in which the schools are located).

*All material in brackets () has been deleted from Chapter 18A:46. Changes or additions in text are indicated by underline.

18A:46-30 Rules and Regulations

The State Board of Education shall prescribe rules and regulations for the organization, management and control of such special service schools.

18A:46-31 Pupils from other counties; acceptance of pupils; agreements with school districts for attendance; payment of tuition; miscellaneous facilities

a. The board of education of a county special services school district established under this act, may receive pupils from other counties so far as their facilities will permit, provided a rate of tuition not exceeding 50% of the cost of such education is paid by the sending districts.

Any school established pursuant to this act shall accept all eligible pupils within the county, so far as facilities permit. Pupils residing outside the county may be accepted should facilities be available only after provision has been made for all eligible pupils within the county. Any child accepted shall be classified pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

b. The board of education of any county special services school district and the board of education of any other school district within the county thereof are each hereby authorized and empowered to undertake and to enter into agreements with respect to the attendance at schools of the special services school district, of residents or pupils of such other school district and as to the payments to be made or the rate of tuition to be charged on account of such students. Payments shall be made quarterly to the receiving district by each sending district. The payment or rate of tuition per student shall not exceed 50% of the pro rata annual cost of the operation and maintenance of the county special services school district remaining after deduction from such cost of all amounts of aid received by the county special services school district or the county thereof on account of such district or credited thereto from the State of New Jersey or the United States of America or agencies thereof, but excluding from such cost any amount on account of required payments of interest or principal on bonds or notes of the county issued for the purpose of such district. The annual aggregate amount of all of such payments or tuition may be anticipated by the board of education of the county special services school district and by the board of chosen freeholders of the county with respect to the annual budget of the county special services school district. The amounts of all annual payments or tuition to be paid by any such other school district shall be raised in each year in the annual budget of such other school district and paid to the county special services school district.

c. The board of education of any county special services school district, with the approval of the board of chosen freeholders of the county, may provide for the establishment, maintenance and operation of dormitory and other boarding care facilities for pupils in conjunction with any one or more of its schools for special services, and the board shall provide for the establishment, maintenance and operation of such health care services and facilities for the pupils as the board shall deem necessary.

18A:46-32. Approval of program and courses of study

The program and courses of study to be pursued in such special services school and all changes therein shall be approved by the Commissioner of Education, with the advice and consent of the State Board of Education.

18A:46-33. Priority of types of courses of study

Courses of study should be pursued to provide as a first priority, programs or courses of study not at that time available in any other school within the county especially for those with unusually severe disability or those with unusual multi-disability. Then courses of study should be pursued, as deemed necessary by the Commissioner of Education which may be available at that time but where there is not sufficient capacity available at that time to accommodate all the students identified and classified as requiring these courses of study.

18A:46-34. School year

The school year for a county special services school district shall begin on July 1 and end June 30.

18A:46-35. Board of education; composition; terms; vacancies

For each county special services school district established in accordance with this act there shall be a board of education consisting of the county superintendent of schools, ex officio, and six persons to be appointed by the director of the board of chosen freeholders with the advice and consent of the remaining members of such board. In any county having a county mental health board, the chairman thereof shall also serve as an ex officio member of the board of education but shall not be entitled to vote on any matter before the board. The appointive members shall serve for terms of 3 years commencing as of July 1 of the calendar year in which they are appointed and to continue until their successors are appointed and qualify, except that of those first appointed two shall be appointed for terms of 1 year, two for 2 years, and two for 3 years.

Vacancies in the board caused by the death, resignation or removal of a member shall be reported forthwith by the secretary of the board to the director of the board of chosen freeholders, who, by the next regular meeting of the board of chosen freeholders and in the manner herein prescribed for making appointments for a full term, shall appoint a person to fill the vacancy for the unexpired term.

18A:46-36. Qualifications of board members

A member of the board of education created under the provisions hereof shall be a citizen and a resident of the county, shall have been such citizen and resident for at least 2 years immediately preceding his becoming a member of the board, and shall have shown an interest in children with an unusual disability to learn or in the field of mental health.

18A:46-37. Organization of board

Each board of education for a county special services school district shall organize annually on July 1 by the election of a president and vice-president, unless July 1 shall fall on a Sunday, in which case the board shall organize on the following day.

18A:46-38. Name of board; powers

The board of education provided for herein shall be a body corporate and shall be known as "The Board of Education of the Special Services School District of the county of" (here insert the name of the county in which such school shall be located). The board shall organize and operate in the manner provided by law and shall have all the powers as are now or may hereafter be provided by law and applicable for other school districts, subject to the additional restrictions provided by this act.

18A:46-39. Board of school estimate

The board of school estimate of such county special services school district shall consist of two members of the board of education of the school district appointed by the board, two members of the board of chosen freeholders of the county appointed by that board, and the director of the board of chosen freeholders. The appointments shall be made annually between January 1 and January 15. In case of a vacancy occurring in the board by reason of the resignation, death or removal of any appointed member, the vacancy shall be filled immediately by the board which originally appointed the member, by appointing another of its members to fill the vacancy. The secretary of the board of education of the county special services school district shall be the secretary of the board of school estimate, but shall receive no compensation as such.

18A:46-40. Estimate of current expenses

On or before February 1 in each year the board of education of a county special services school district shall prepare and deliver to each member of the board of school estimate an itemized statement of the amount of money estimated to be necessary for the current expenses of and for repairing and furnishing schools or buildings of the county special services school district for the ensuing school year.

18A:46-41. Determination of appropriation; certificates of amount; appropriation, assessment, levy and collection of amount by county

a. Between February 1 and February 15 in each year the board of school estimate shall fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the county special services school district for the ensuing school year exclusive of the amount to be received from the State as provided in section 16 of this act.

b. The board of school estimate shall, on or before the last named date, make two certificates of the amount, signed by at least three of its members, one of which certificates shall be delivered to the board of education of the county special services school district and the other to the board of chosen freeholders of the county.

c. The board of chosen freeholders shall, upon receipt of the certificate, appropriate, in the same manner as other appropriations are made by it, the amount so certified, and the amount shall be assessed, levied, and collected in the same manner as moneys appropriated for other purposes in the county are assessed, levied, and collected, unless such amount is to be raised as otherwise herein-after provided in this act.

18A:46-42. Funds for purchase or construction of lands or buildings; certificates of amount; appropriation and assessment or issuance of bonds or notes; disposition of proceeds

Whenever a board of education of a county special services school district shall decide that it is necessary to raise money for the purchase of lands or buildings for school purposes or for erecting, enlarging, improving, repairing, or furnishing a building or buildings for the use of the school district, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose or purposes.

The board of school estimate shall fix and determine the necessary amount and shall make two certificates thereof, one of which certificates shall be delivered to the board of education and the other to the board of chosen freeholders of the county.

The board of chosen freeholders may appropriate such amount which shall be raised, assessed, levied, and collected at the same time and in the same manner as moneys appropriated for other purposes in the county are raised, assessed, levied, and collected; or the board of chosen freeholders may appropriate and borrow such amount for the purpose or purposes aforesaid by issuance of bonds or notes of the county pursuant to the Local Bond Law, notwithstanding any debt or limitation or requirement for down payment therein provided for. The proceeds of the sale of such obligations shall be paid to the treasurer of the county special services school district and

shall be paid out by him only on the warrants or orders of the board of education of the county special services school district. The treasurer shall in no event disburse such proceeds, except to pay the expense of issuing and selling such obligations and for the purpose or purposes for which such obligations were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of education of the county special services school district may transfer the balance remaining unapplied to the capital outlay account of the school district.

18A:46-43. Rights and privileges of teachers, principals and employees

All teachers, principals, and other employees of the board of education of the county special services school district are hereby held to possess all rights and privileges of teachers, principals and other employees of boards of education of other school districts as provided in Title 18A of the New Jersey Statutes.

18A:46-44. Payments by state to special services school district on establishment and annually thereafter

Wherever any county special services school district shall be established under the provisions of this act there shall be paid to the treasurer of the school district on the order of the commissioner, an amount equal to that raised in the county for the establishment of the school district, exclusive of the amount appropriated for the purchase of land or the erection of a building, which amount shall be paid by the treasurer on the warrant of the State Comptroller. Annually thereafter, the State shall pay in like manner an amount equal to the amount appropriated by the county for the current expenses of the school district.

18A:46-45. Advisory committee

The board of education of any county special services school district shall appoint an advisory committee of not less than 10 members consisting of representatives of recognized parent and professional organizations working exclusively for the children classified as having unusual disability, as well as at least one psychiatrist, one psychologist, one social worker, and, in any county in which the commissioner has established a department of child study, the county child study supervisor. The committee shall meet at least four times per year to consider matters referred to it by the board and to make recommendations to the board.

18A:46-46. Treasurer of board of education

The board of education of any county special services school district may appoint a treasurer, who shall not be a member of the board of education, and fix his salary and term of office. The treasurer shall give bonds in such amounts and with such securities as the board shall determine.

6. N.J.S. 18A:58-6 is amended to read as follows:

18A:58-6. Atypical pupils. In addition to all other aid,

a. Each State college operating an approved special class or classes for handicapped children shall be paid \$2,000.00 per class for such classes.

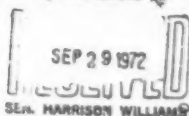
b. Each local school district, whether operating separately or jointly with one or more other school districts, shall be reimbursed by State aid for:

1. The cost of operating an educational program for handicapped children including costs of identification, examination, supervision and other special education services approved by the commissioner, to the extent of one-half of such costs except that no local district, jointure commission or college demonstration school shall receive less than \$3,000.00 a class in State aid; and one-half of the approved tuition paid to another local school district, jointure commission, State operated facility or private school, and

2. 75% of the cost to the district of furnishing transportation within the State, under a program approved under chapter 46 of this law, when the necessity for furnishing such transportation and cost and method thereof, have been approved by the county superintendent of the county in which the district paying such cost is situated.

c. State aid in the amount of one-half the apportionment by a jointure commission appointed pursuant to section 18A:46-25 to any contracting district for operational expenses shall be paid to the contracting district. Class State aid shall be apportioned to each contracting district in accordance with the number of pupils enrolled from the district.

d. Whenever approved special education services are provided by a county special services school district, the district shall be entitled to the aid that would otherwise be available for such services if provided by any of the participating local school districts. Any such aid shall be in lieu of reimbursement to each local school district.



STATE OF NEW JERSEY
 SEN. HARRISON WILLIAMS OFFICE OF THE GOVERNOR
 TRENTON

WILLIAM T. CASILE
 Governor

September 27, 1972

Dear Pete:

Thank you for your letter of August 23, 1972, on the subject of S-3614.

There is no doubt that legislation is necessary to provide expanded Federal assistance to states for the education of handicapped children. As you may know New Jersey is presently expanding approximately \$86 million on such educational programs. While we feel that a good effort is being made on behalf of handicapped children in the educational field in New Jersey at this time, it is also obvious that Federal aid will enable us to improve program planning and actually increase the educational exposure of handicapped children. Our best estimates indicate that a very large percentage of New Jersey handicapped children are presently being served by our existing program. Programs, such as the one envisioned by your legislation, would enable us to improve our position and hopefully provide us with necessary funds to improve out-reach programs in order to identify and provide services for all handicapped children within the State.

The provisions which pertain to determination of uniform criteria for the identification of handicapped children to be served are of the utmost importance and I was delighted that the bill addressed itself to these problems.

I think you might consider the possibility of providing, in your legislation, for administrative funds to the various state departments of education to enable them to effectively carry out the evaluation requirements and the oversight of program administration generally. Oversight and evaluation are not simple problems; without adequate fiscal support for these elements of the program the success of the undertaking will be endangered.

(more)

Senator Williams
Page 2
September 27, 1972

I am sure that this will be an expensive undertaking but it would appear to me that legislation of this kind would be most worthwhile, regardless of the level of funding.

Sincerely yours,

Bice
GOVERNOR

The Honorable Harrison A. Williams, Jr.
The United States Senate
352 Senate Office Building
Washington, D. C. 20510

Statement by
Donald M. Carroll Jr.
Deputy Secretary and Commissioner for Basic Education
Department of Education
Commonwealth of Pennsylvania
Before the
Subcommittee on the Handicapped
of the
United States Senate
Committee on Labor and Public Welfare

Newark, N. J.

Mr. Chairman and members of the committee:

I am Donald M. Carroll, Deputy Secretary and Commissioner for Basic Education, Pennsylvania Department of Education, representing the Governor of the Commonwealth of Pennsylvania, the Honorable Milton J. Shapp and the Secretary of Education of Pennsylvania, the Honorable John C. Pittenger. Thank you for the opportunity to appear before you.

Mr. Chairman, the legislation now before this committee, Senate Bill 6, extension of the Education for All Handicapped Children's Act, is important to the Commonwealth of Pennsylvania. This legislation--

and its predecessor, Title VI of the Elementary and Secondary Education Act of 1965--have profound financial implications for the funding of special education programs in general (a possible 9 million dollars) for Pennsylvania. Even more, the bill represents renewed Federal commitment to equal educational opportunity for the handicapped child--a priority of the Commonwealth of Pennsylvania.

I will not at this time recount for you the numerous projects we have established to provide educational programs for children previously receiving only care and treatment. Let me only say that our state contribution, which has more than tripled in the last decade, is now close to 100 million dollars, and the local effort approaches 50 million dollars.

The one program I do wish to discuss in some detail--and the one which I believe may be of greatest interest to you in your deliberations--is the consent agreement between the Commonwealth of Pennsylvania and the Pennsylvania Association for Retarded Children, commonly known as the PARC decision. I should point out at the beginning that this decision dealt with only one type of handicap: mental retardation. The legislation before you is far broader in scope. In all other respects, however, the PARC decision is immediately pertinent to this legislation.

I would also like to point out that the Commonwealth of Pennsylvania consistently supported the essentials of the PARC case and entered voluntarily into most of the elements contained in the final consent agreement.

On May 5, 1972, the District Court for Eastern Pennsylvania issued the final decision relating to the case of Pennsylvania Association

for Retarded Children versus the Commonwealth of Pennsylvania. The court found that interpretations and applications of sections of the Pennsylvania Public School Code of 1949 effectively denied handicapped children equal access to public education and training programs. More specifically, certain practices in the admission and/or retention of students have the result of excluding mentally retarded children from the Commonwealth's responsibility to provide a free public education for all citizens.

Let me indicate for you some of the conditions that deny equal access:

- (a) the use of mental age as a basis for the acceptance or retention of beginners
- (b) the denial of tuition and/or tuition and maintenance to mentally retarded children on the same terms as exceptional children
- (c) the denial of instruction in the home to mentally retarded children with no accompanying physical handicap or because the retardation was not short-term
- (d) denial of due process in the placement of pupils as mentally retarded

These are, I believe, the types of exclusion which it is the interest of this subcommittee to eliminate.

In the PARC case, the court found

--"That all mentally retarded persons are capable of benefiting from a program of education and training."
(para. 4, Amended Consent Agreement)

and that

--"It is the Commonwealth's obligation to place each mentally retarded child in a free public program of education and training appropriate to the child's capacity within the context of the general educational policy that, among the alternative programs of education and training required by statute to be available, placement in a regular public school class is preferable to placement in a special public school class and placement in a special public school class is preferable to placement in any other type of program of education and training." (para. 7, Amended Consent Agreement)

Pennsylvania undertook to identify and provide suitable educational programs for all mentally retarded children between the ages of 6 and 21--and younger, where the Commonwealth provides a program for children at an earlier age.

The first task was finding these people. We had at the beginning very little idea of how many pupils we were talking about. We developed COMPILE, the Commonwealth Plan for Identification, Location and Evaluation of Mentally Retarded Children. Calling for a coordinated effort by the Secretaries of Education and Welfare and all of their instrumentalities--(in the case of Education, these include school districts and intermediate units), the plan used such extensive techniques as:

--a search of records of the local school districts, intermediate units, County MH/MR units, State

Schools and Hospitals (including waiting lists)
and interim care facilities

- publication of the search in the various media
- selective house to house canvassing
- a 24-hour toll free telephone service to receive reports
- local task forces
- two Federal Court-Appointed Masters to oversee the efforts

In addition, the plan calls for screening and in-depth individual evaluation including:

1. Motor development
2. Perceptual-motor development
3. Conceptual development
4. Communication skills development
5. Cognitive development
6. Intellectual development and functioning
7. Self-care
8. Self-help
9. Social interaction
10. Independence

In attached Appendices I have included copies of the procedural flow chart (Appendix A), the evaluation form (Appendix B) and the Referral Placement Master form (Appendix C). The evaluation which I have described must be done by a certified school psychologist. I will return later to the cost factors implicit in the necessarily extensive use of professional personnel.

We have so far either located or re-evaluated 6,884 children. We have put together what is probably the most complete identification system and current census of school-aged mentally retarded children in the world.

Our second task has been to implement appropriate programs of education and training for these students. This we have begun through COMPET, the Commonwealth Plan for Education and Training of Mentally Retarded Children. The plan is made up of 30 learning modules specified in terms of growth and development according to behavioral characteristics. The selection and use of modules is coordinated with the evaluation phase of COMPILE, permitting a high degree of personalization of the program. Furthermore, COMPET is designed in such a way as to encourage and allow teachers to construct additional modules which are evaluated by the Right to Education Office for effectiveness, appropriateness, and possible inclusion in later editions of the COMPET manual. As Secretary of Education John C. Pittenger points out, "COMPET is meant to be a working, changing document. It is only the first phase of Pennsylvania's program. . ."

The Right to Education Office was established for the specific purpose of ensuring compliance by the appointment of a director, and supportive staff including four regional coordinators to provide rapid answers to questions arising in the field. The work of the Right to Education Office also includes continuing to develop and improve documents such as COMPET, evaluation forms and the Referral Placement Master form, assisting the formation and functioning of local task forces, providing a bridge between the State Departments of

Education and Welfare for a co-mingling of resources, and extensive in-servicing of local educational agency personnel (teachers, administrators, principals, and supervisors). In this last, we have received invaluable assistance from the USOE Bureau of the Educationally Handicapped, including leadership training institute grants. The Right to Education Office is staffed by Department of Education and Department of Welfare personnel, funded with state money, and other staff employed with Federal funds. Without the ready availability of Federal funds, the formation of this office would have been substantially delayed.

As another means of monitoring compliance to the Federal court order, a state task force was established, consisting of a representative from the Department of Education, the Department of Welfare, the Office of Administration in the Governor's Office, and the consumer. The purpose of this task force was to assure the availability of the full resources of the state and to ensure the compliance of their various instrumentalities.

Let me refer to one additional aspect of the PARC decision which has special relevance for the legislation before this subcommittee: the "due process" procedure.

The Commonwealth is enjoined:

- "(i) to provide notice and the opportunity for
a hearing prior to a change in educational
status of any child who is mentally retarded
or thought to be mentally retarded;
- (j) to re-evaluate the educational assignment of
every mentally retarded child not less than
every two years, or annually upon the parents'
request, and upon such re-evaluation, to

provide notice and the opportunity for a hearing." (Order and Injunction)

In the case of a parentless child, the director of the institution may act as guardian and invoke due process. The procedures for such hearings meet the provisions of Senate Bill 6.

We endorse "right to education" legislation. I might point out to you that Pennsylvania has gone beyond the strict requirements of the Commonwealth Consent Agreement. Beginning with the current school year, the Secretary of Education has assumed responsibility for education to mentally retarded children in community type programs including, but not limited to, growth and development centers, private licensed facilities, programs operated by the Department of Welfare, and interim facilities. Again, we are eager to move as quickly as possible to a zero-reject status. We will reach this by September, 1973.

We have depended on funds available through Education of the Handicapped Act, Parts B, C and D (P.L. 91-230), Elementary and Secondary Act, Title III, and Title I (P.L. 89-313) to finance certain aspects of this program. The Right to Education program has so far increased special education instructional expenses for Pennsylvania by approximately 18 million dollars.

This does not include increased costs for transportation.

The kinds of costs which this figure does include are those incurred through expanded programs such as:

- psychologists to evaluate the children
- other experts on evaluation teams

- additional teachers and supervisors
- additional aides
- additional class space (rent)
- additional materials and equipment
- increased costs (either direct or indirect) for in-servicing
- The costs of the Right to Education Office
- costs of individual parent conferences for every change in educational assignment

The citizens of Pennsylvania have taken on the cost of these expanded programs. The legislature passed and the Governor approved funding procedures to make current payments to districts. This was done through the use of Federal funds and through the re-direction of state funds in the amount of 41 million dollars.

We are acutely aware of the financial burden of such programs, and of the need for committed and continuing financial support from the Federal government.

Introductory Information and Instructions for the Right to Education Plan

May 1972

**Bureau of Special Education
Pennsylvania Department of Education**

**Office of Mental Retardation
Pennsylvania Department of Public Welfare**

Contents:

- I. Introduction**
- II. Background**
- III. Guidelines for Implementation**
- IV. Process Diagram**

I. Introduction

The following information is provided to help clarify the requirements, implications and procedures to be followed in implementation of the Right to Education Consent Agreement for mentally retarded children. The Right to Education Plan for fulfilling the consent agreement will be divided into two phases:

Phase I - COMPILE - Commonwealth Plan to Identify, Locate and Evaluate Mentally Retarded Children.

(Completion date: June 30, 1972)

Phase II - COMPET - Commonwealth Plan to Educate and Train Mentally Retarded Children.

The coordination required for such an extensive plan is complex and difficult. By necessity therefore, the introduction of the COMPILE and COMPET materials will be simple and process-oriented. Those to be directly involved in the daily implementation of the plan will receive extensive in-service training through workshops given by the 29 intermediate units.

It is requested that each of these direct participants (per the Guidelines attached) address their questions and inquiries to the leaders of the IU in-service workshops. This will permit a more thorough introduction of the attached materials at today's meeting.

The plan is far-reaching and presents the special educator in Pennsylvania with new responsibilities and challenges. The historic court case has resulted in a specific agreement which the Commonwealth must fulfill immediately. However, the long range aspects of the agreement are less precise. It is, therefore, the determined intent of the Departments of Education and Public Welfare that the immediate benefits of fulfilling the agreement will provide the basis for a permanent,

comprehensive process for providing education and training for mentally retarded children.

Thus, the plan addressed by these and subsequent materials, represents an important point of departure--one which will determine the success of future strides to improve the special education process in Pennsylvania.

Your close review and patronage of these materials is requested.

II. Background

On January 7, 1971, a suit was filed in Federal District Court, Philadelphia, Pa., against the Commonwealth of Pennsylvania on behalf of the Pennsylvania Association for Retarded Children and 12 mentally retarded children. The three main points in the case are as follows: (1) the Commonwealth has excluded, excused and postponed enrollment of mentally retarded children, (2) the opportunity for due process was not afforded to these excluded and postponed mentally retarded children before any change was made in their educational status and every two years in the course of their education and (3) there are mentally retarded children in the Commonwealth who are not receiving a free public program of education and training.

On October 7, 1971, the Commonwealth entered into a consent agreement with the Pennsylvania Association for Retarded Children. In the agreement, the Commonwealth consented to the following actions: (1) to cease and desist from applying those sections of the school code which are exclusionary in nature, (2) to offer a due process hearing to the parents of every mentally retarded child before any change is made in his educational status and (3) to provide a free public program of education and training to all those mentally retarded persons who have not received such services in the past. The Departments of Education

and Public Welfare have been assigned joint responsibility to comply with stipulations that require multi agency and broad private sector involvement.

A. Phase I - COMPILE

The COMPILE is the first phase in providing every mentally retarded child with a free public program of education and training. The objectives of this phase are:

- (1) to identify and locate every child in the Commonwealth who is under 21 years of age, thought to be mentally retarded and not enrolled in a program of education and training and
- (2) to ascertain every mentally retarded child's level of functioning in all areas of development.

The major components of COMPILE are: (1) a massive two-month statewide media campaign. This campaign will include activities such as TV and radio addresses by the Governor and the employment of a single telephone number, in service 24-hours, toll free, for reporting children who are not in a program of education and training, (2) an exhaustive search of the records and files of all public and private agencies and facilities which provide services to children, and (3) a preliminary screening of all identified and located children to determine the necessity for an in-depth evaluation, and (4) a comprehensive, in-depth multidisciplinary evaluation of each child's level of functioning in areas of motor, perceptual motor, communication skills, conceptual, cognitive and intellectual development as well as self-care, self-help, social interaction and independence.

The plan is designed in keeping with the findings of the court order: "that all mentally retarded persons are capable of benefiting from a program of education and training--" and that "it is the Commonwealth's obligation to place each mentally retarded child in a free public program of education and training appropriate to the child's capacity."

At the conclusion of Phase I, by June 30, 1972, we will have identified, located and evaluated every mentally retarded child under the age of 21 who is not enrolled in a program of education and training. The results of the evaluation will be used in determining an appropriate child placement and a continuing diagnostic prescriptive and psycho-educational plan to meet the needs of the child. This plan will be developed in Phase II, COMPET.

B. Phase II - COMPET

COMPET will provide standards and procedures for providing education and training to mentally retarded children. That education and training will be consistent with the children's needs as identified by an in-depth evaluation of each child. (The standards will specify the recruiting, hiring and training procedures necessary for supplementing program staff to meet the identified needs of the child and to deliver a proper education upon the opening of school in September, 1972.) The standards will include teacher-pupil ratios, hours of instruction, curriculum, facilities, teacher qualifications and information sources for teachers.

Following is a procedural description of the COMPET/COMPET process to be implemented. This process is also summarized in Part IV by a process diagram.

III. Guidelines for Implementation of the COMPILE/COMPET Process

Task #	Responsibility	Process Task Description
*1.0	PDE, DPM	To establish a state task force consisting of the state departments of Education and Public Welfare, other state departments and groups, and representatives of the Consumer/Citizens groups.
*2.0	State Task Force	To provide information, make contacts and delineate functions necessary for the implementation of COMPILE and COMPET, including Consumer/Citizen group cooperation and input.
*3.0	Governor	Announce the signing in federal court of the consent and due process agreements concerning the right to education for all mentally retarded children and the milestones (dates) for implementing the agreements.
*4.0	PDE, State Task Force	Assure compliance with agreements by all related agencies.
*5.0	PDE	Initiate and sustain (for a two-month period upon completion of task 3) a Citizens Alert/Appeal to Help Find a Child program. This will include printed flyers to be distributed in liquor stores, and to be sent to individual Local Education Agencies (LEA) to be carried home by children.
*6.0	PDE, DPM	Initiate announcements to the media regarding the right to education and specifically describe the referral procedures (telephone - local and 24 hour service) to be used.
*7.0	PDE	Initiate use of the 24 hour telephone referral service.
*8.0	PDE	Forward telephone referral forms (local) to LEA administrators and Intermediate Unit directors via a School Administrator's Memorandum and instruct each LEA and IU to establish appropriate recording procedures with staff responsible for use of the forms.
*9.0	PDE	Invite all concerned departments, agencies, personnel and the general public to attend a meeting in the forum to provide an overview on Phase I (COMPILE) and Phase II (COMPET) of the plan, and to discuss implementation milestones and timeline.
*10.0	PDE	Conduct meeting to disseminate COMPILE/COMPET Introductory Packet and to provide participants with an overview on the implications and requirements of the consent and due process agreements.
*11.0	PDE	Provide IU directors of special education with training on use of guidelines to instruct IU, LEA, MH/MR and other personnel on use of the evaluation form, IU Referral/Placement Master, and to discuss general aspects of implementation Phases I and II of the plan.

* - occurring one time only (not continuous)

Task #	Responsibility	Process Task Description
12.0	LEA	Record appropriate information on the telephone referral form (TRF) for each child referred between the ages of 4 and 21.
13.0	LEA, IU, PDE	Forward all telephone referral forms to the appropriate IU on a weekly basis. Keep one copy for a confirmation file and record on this copy the date the TRF was sent to the IU.
14.0	IU	Provide in-service training to appropriate IU, LEA, MH/MR and other personnel directly involved in the COMPILE process regarding use of the Evaluation Form and the IU Referral Placement Master (RPM).
*15.0	LEA Administrator	Submit to the IU executive director copies of the census form about all children identified under the annual school census (Section 1351 of the School Code) who are not enrolled in school, DEKS-143 (11/70). (1) Include all children ages 4 to 18. (2) Include all children ages 19 to 21, including high school graduates. (3) Include all children less than 4 years old thought to be mentally retarded where programs are operated for these age groups by school districts.
15.1	IU Executive Director	Establish and set up a local task force consisting of the IU executive director, the respective school administrator, (LEA administrator), the local (county) MH/MR administrator and a consumer citizen representative including the local Association for Retarded Children.
*16.0	LEA Administrator	Prepare a letter to be carried to each home by all attending school pupils which states the desire of the school district to locate all children, except high school graduates, between the ages of 4 to 21 not in school.
*17.0	LTF, LEA, and IU Administrators	Meet with the members of representative community groups (civic organizations, agencies and media) for purposes of outlining the reasons for identifying and locating all children not in school and soliciting their cooperation.
*18.0	LTF, LEA and IU Administrators	Request assistance of all representative groups in the communities for surveying the community to identify children between the ages of 4 to 21 not in school.
19.0	IU	Transfer data from each TRF onto the RPM. This data should permit completion of Part I of the RPM. Secure any additional information per child necessary to complete Part I.
20.0	IU	Record the respective IU number and child's number (serial y per receipt) on the TRF and file the TRF according to source (PDE, IU number of LEA number) in a file marked "TRF - Recorded

Task #	Responsibility	Process Task Description
*21.0	PDE	Forward necessary sets of the RPM to LEA's, IU's, DPN, County MH/MR, State Schools and Hospitals, Interim Care Facilities, Public licensed facilities and Growth and Development Centers for use in searching records to identify children MR or thought to be MR and who are not presently in a program of education and training.
*22.0	LEA, IU, MH/MR, State Schools and Hospitals, G and D Centers, Private Agencies	Conduct a search of all program records for all children with birthdates from 1951 forward for the purpose of identifying <u>all children mentally retarded or thought to be mentally retarded who currently are not enrolled in a program of education and training.</u> For these children who are not enrolled, complete Part I of the RPM. Search all available records. Upon completion of Part I forward it to the appropriate IU.
*23.0	IU's #2, 16, 23	Conduct selective 'house to house' canvassing to identify and locate children using the 1969 Exceptionality Census Form. Transfer Census Form data to the RPM.
*24.0	LEA Administrator	Determine according to current school records the number of persons who are mentally retarded under 21 and not enrolled in a program of education and training. Forward the above information to the appropriate IU Directors of Special Education by May 26, 1972.
25.0	IU Director of Special Education	Ascertain the number of persons who are found to be mentally retarded as a result of implementing COMPIL and record on the RPM as of 60 days after implementation. If the total found to be mentally retarded as reported on the RPM exceeds the number reported by the LEA to the IU director of special education by more than 30 percent there is need for a door to door census.
26.0	IU psychologist	Review each RPM and determine according to data under Part I, which children should be screened before receiving in-depth evaluations. For those children, who per complete Part I data, are in school or definitely not retarded, screening will not be necessary and this must be so indicated under Part II for these children.
27.0	IU psychologist	If Part I RPM data is complete for a given child, and the child appears according to the data to be unquestionably in need of an in-depth evaluation, this should be so indicated on the RPM under Part II. Skip tasks 28, 30, 31, 32, 33, 34.
28.0	IU psychologist	If Part I RPM data is two or more years old, incomplete or the mental retardation status of the child is questionable, a home visit or parental (guardian) contact should be made and so indicated on the RPM Part II. This contact will constitute the screening process and is necessary before the child may be recommended for an in-depth evaluation.

Task #	Responsibility	Process Task Description
29.0	IE director of special education	Review the COMPILE procedures and set up a chart wherein each of the LEA's are listed according to their screening and evaluation capabilities (whether or not they have homebased or psychological staff respectively).
30.0	IE director of special education	Verify which LEA (by school district code) is to do the necessary screening (per 28.0). This should agree with the LEA code number shown on Part I of the RPM for the child.
31.0	IE psychologist	Refer to the chart described above (29.0) to determine if the LEA (30.0) has screening capability.
32.0	IE psychologist	If the LEA does have screening capability, remove the screening copy for the child from the RPM and forward it to the respective LEA administrator. If the LEA does not have screening capability per the list of 29.0, ignore task 32.0 and complete the necessary child screening.
33.0	LEA administrator	Forward the screening copy from 32.0 to the appropriate individual within the LEA for child screening. Insure completion of the screening process by this individual, and return of the screening copy with the necessary data to the respective IE psychologist.
34.0	IE psychologist	Record the screening results onto the RPM, Part II. Review this data and determine if the child requires an in-depth evaluation to verify his status as mentally retarded. If an in-depth is not required because the child is unquestionably <u>not</u> mentally retarded, so indicate on Part II and consider data recording for that child complete.
35.0	IE psychologist	For those children who are to receive an in-depth evaluation, refer to the chart from 29.0 to determine if the respective LEA as shown by code under Part II of the RPM has the capability (a psychologist) to handle such an evaluation. If the LEA does have such a capability, go to task #36.
36.0	IE psychologist	When the LEA does not have evaluation capability, the in-depth will have to be done by the IE psychologist. Such evaluation will be on a priority basis according to the data under Part I of the RPM for each child.
37.0	IE psychologist	Determine chronological priority by referral date, and then take each child's priority number and divide it by the number of IE psychologists available for child evaluation. For example, if the child is 10th in line for evaluation according to his referral date and two psychologists are available, it will be 8 evaluation days before the child is seen. If this number of evaluation days causes the date for the child's evaluation to go beyond June 30, contact the RME to indicate excessive backlog and secure the services of outside agencies to help expedite evaluation. Go to task #41.

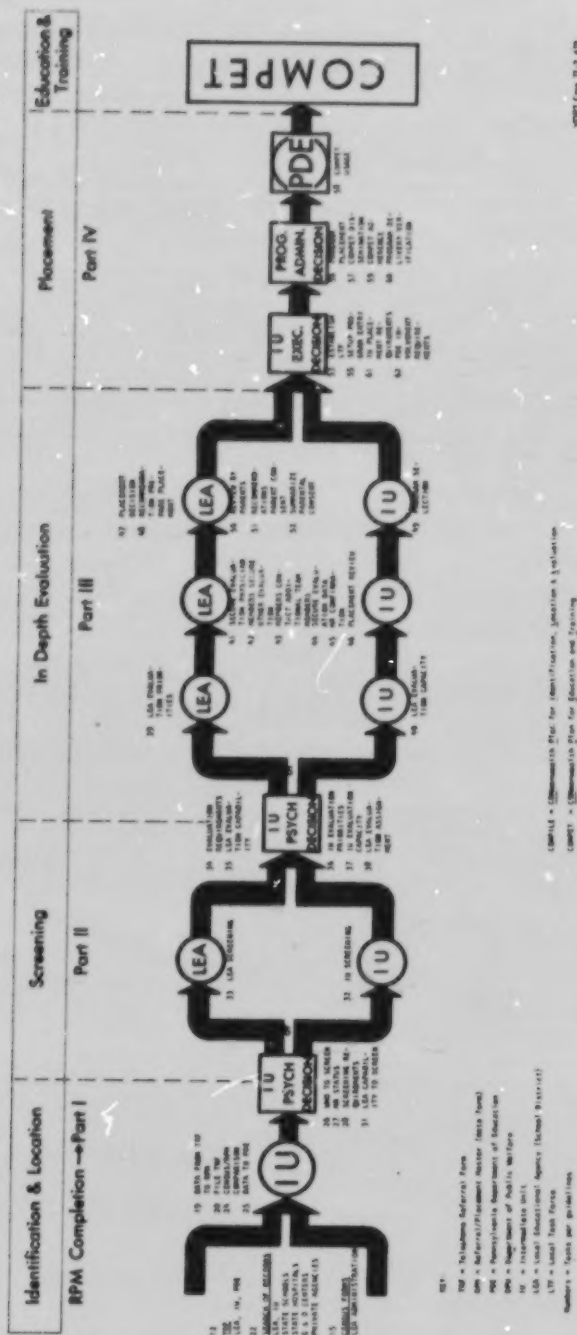
Task #	Responsibility	Process Task Description
38.0	IU psychologist	Remove the child's evaluation copy from the RPM and send it to the respective LEA psychologist
39.0	LEA psychologist	Determine the chronological priority by referral date. If the child's priority number exceeds the number of psychologist's days available for evaluation before June 30, indicate the earliest evaluation date on Part II of the evaluation copy and return this copy to the IU psychologist. If there is not an excessive backlog causing the evaluation to go beyond June 30, attach the evaluation copy to an Evaluation Form and proceed with the in-depth evaluation procedures starting with task #41.
40.0	IU psychologist	If the LEA psychologist returns the evaluation copy indicating lack of evaluation capacity at the local level, consult with the IU executive director and either absorb the evaluation at the IU level (per 37.0) or negotiate with the LEA administrator regarding provision of evaluation services.
41.0	IU or LEA psychologist **	Contact the family physician or other physicians to participate on the evaluation team.
42.0	IU or LEA psychologist	Contact at least one other individual (school health nurse, public health nurse, guidance counselor or social worker) for participation on the evaluation team.
43.0	IU or LEA psychologist	Decide whether it is necessary to contact others (therapist, technician, or other professional) for the evaluation.
44.0	IU or LEA Evaluation Team	Secure the necessary information on the child as stipulated by the evaluation form. The psychologist will be responsible for coordinating with each member the information to be provided.
45.0	IU or LEA Evaluation Team	Based on review of the evaluation form data, decide if the child is mentally retarded and program placement is required.
46.0	IU or LEA Evaluation Team	Have an educator who knows program content participate in the program design and placement decision.
47.0	IU or LEA Evaluation Team	Formulate program design suited to the child's needs.
48.0	IU or LEA Evaluation Team	Discuss findings, comments, and recommendations and write recommendations to include the type of program necessary and the pupil skills required. Note: If the evaluation team is at the LEA level, they will specify in addition to the program type, the name of the school recommended for placement, if such a school program is available in a school through the LEA. If such a program is not available in the LEA, the evaluation team will refer their findings to the IU for determination of school placement.

** Based on capability and capacity, the Evaluation tasks hereafter fall to the LEA or the IU per 40.0 or 37.0

Task #	Responsibility	Process Task Description
49.0	IU Evaluation Team	Determine program type and specific school name appropriate for placement and record on RPM.
50.0	IU or LEA psychologist	Contact parents and with the appropriate members of evaluation team present in writing to parents their recommendations and findings. Include in recommendations should be description of program and legal alternatives and rights.
51.0	Parent	Consent in writing to the recommendations of the evaluation team or request a due process hearing within 5 days if notice is given by conference and within 10 days if notice is given by mail.
52.0	IU or LEA Evaluation Team representative	Summarize the meeting with the parent and forward a copy of this summary to the parent for review and also the other evaluation team members. Complete Part III of the evaluation copy (RPM) and send it to the IU.
53.0	IU executive director	Maintain consultation and monitoring throughout the process by the local task force consisting of the IU executive director, the respective school district administrator, (LEA administrator), the local (county) MI/ME administrator and a consumer citizen representative.
54.0	IU or LEA psychologist	Forward to the local task force the evaluation form, copy F of the RPM, the description of program and the name of the school into which the child should be placed and a copy of the parent conference summary and any other pertinent information.
55.0	IU executive	Contact the school administrator, inform him that the child will be placed according to evaluation form data and coordinate with school administrator using COMPET information to provide necessary program to meet the child's needs.
56.0	Program Administrators	Follow necessary placement procedures to get the child into the program.
57.0	PDE	Complete and distribute the COMPET document to all school districts IU and MI/ME administrators. This document should include a definition of purpose, conditions of application and a set of guidelines for use. There should be two basic components to the document: 1. procedures for interpreting a child's in-depth evaluation to determine the program standards to be compiled with in order to provide the child with the most relevant education and training. 2. standards of program operation to be used by the school administrator and teacher, including: pupil teacher ratios based on the individual characteristics of each child; hours of instruction based on individual pupil characteristics; alternate curriculum designs

Task #	Responsibility	Process Task Description
		based on each pupil's objectives; minimum facility requirements; and, specific teacher qualification necessary to work with various pupil characteristics. Also, procedures for recruiting, hiring and training personnel with the necessary qualifications will be specified.
58.0	Program Administrators	Work with class teacher to utilize the COMFET information to recommend changes in the program to accommodate the child's needs.
59.0	School Administrator	Follow the guidelines set forth in the COMFET document to determine areas of program change necessary to meet the needs of each child referred.
60.0	School Administrator	A copy of the child's evaluation form and RPN data will be received from the evaluation team. If program changes/ accommodations for a child referred for placement are not possible, so stipulate on the RPN and contact the IU executive director to determine the appropriate action.
61.0	IU executive director	Determine if the local program must make program changes to accommodate the child. Record the results of this decision on the RPN. If the local program can't provide for the child, determine per 59.0 the IU program changes and specific school to be attended, and place the child. Show all transactions on Part IV of the RPN. Return copy F of the RPN.
62.0	IU executive director	Contact the PDS if IU placement is not possible.
63.0	IU executive director	Complete Part IV of the RPN and forward the appropriate copy ('PDS') to the PDS and file the master copy with the IU or LBA responsible for the child's placement. File the program copy of the RPN with the school or NYS/MS program where the child is placed.
64.0	PDS	If no public or private school program is available, then a public program must be developed according to COMFET guidelines.
65.0	DPW	Submit to the PDS an annual report indicating the educational strategies identified and the status (evaluation) of each child served.

Pennsylvania Department of Education
Bureau of Special Education
Compile/Compet - Process Diagram



Please follow the directions so that information obtained on this form will remain consistent with other data collection documents. Print all responses.

All disciplines necessary for evaluation of the person should be contacted and/or requested to perform an examination. The results of the examination(s) will be attached to the back of this form. This data will be used for subject assessment and program design decisions. If there is a variable between the evaluator's and the person's language, then the evaluation shall be carried out in the person's language. Any assessment instruments used should be in the person's primary language.

The psychologist is responsible for securing the participation of those individuals necessary to obtain the required information. (Refer to Compile task outline).

PLEASE PRINT - Obtain data from RPM (Part I).

Child Code: / / /

Enter the referred person's last name, one letter to each space.

(1.0) Name _____
LAST

Enter the referred person's first name, one letter to each space.

(2.0) Name: _____
FIRST

(3.0) Middle Initial / /

Enter the referred person's birth month, day and year; and sex.

(4.0) Birth / / / (5.0) (M or F) /
MONTH DAY YEAR SEX

Enter the referred person's address, i.e., where he is presently residing or where he can be located. Include Zip Code.

(6.0) / / / / / / / / / / / / / / / / / /

STREET ADDRESS

(7.0) _____ / _____
CITY, TOWN, OR BORO ZIP CODE

Enter the phone number (if available) of the above address, including area code.

(8.0) / / / / - / / / / - / / / / /
PHONE NUMBER

Enter the County and District code numbers where the subject currently resides.

(9.1) / (9.2) / /
COUNTY DISTRICT

(10.0) Contacts: (List all that are identified)

Person or Agency	Area Code/ Telephone No.
Family	
Social Worker	
Physician	
Teacher	
MH/MR	
Other	

(11.1) Has the person ever applied to a program of education, training or therapy? () Yes () No

If Yes, specify: _____

(11.2) If Yes, was he accepted? (), rejected? (), status unknown ()?

LEVELS OF FUNCTIONING

(12.0) PHYSICAL DEVELOPMENT

Enter the person's health history, including the dates (ages) of physical changes, problems, illnesses, medical treatment and results of treatment. Record as much detail as necessary to give an accurate picture of the person's physical development.

Answers to these questions, and other health information are to be determined by the physician or from health records. Attach relevant health records or information to the back of this evaluation form.

(12.1) General Health

(12.1.1) Note the general physical condition of the person. () () ()
good fair poor

(12.1.2) Is person on medication? () Yes () No

If Yes, specify: _____

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(12.1.3) Is on-going medical supervision required? () Yes () No

For what reason? _____ (e.g. Heart Condition)

(12.1.4) List the family physician, other physicians and other professionals who have recently had contact with the person and the reason for that contact.

(12.2) Specific Health

Is the person known to have, or has he evidenced:

(12.2.1) Gross physical impairments? (list)

Tested		Date and Type		Where and	
Yes	No	Yes	No	of Test	by Whom

(12.2.2) Cerebral palsy

(12.2.3) Glandular disorder(s)?

(12.2.4) Chronic Conditions or other identifying medical handicapping conditions?

(12.2.5) Hearing Problem(s)

-4-

		Tested		Date and Type		Where and	
		Yes	No	Yes	No	of Test	by Whom
(12.2.6)	Vision Problem(s)						
(12.2.7)	Speech problem(s)						
(12.2.8)	Developmental problem(s)						
(12.2.9)	Seisures (list type and frequency)						
(12.2.10)	Fatigability						
(12.2.11)	Neurological impairment (list type)						
(12.2.12)	Emotional Disturbance (To be completed by a psychiatrist, or on the basis of a psychiatric diagnosis only if emotional disturbance is indicated.)						

Through observation, or discussion with those familiar with the person, indicate if the person has demonstrated the behaviors listed below. Observers have the option to use the methods they feel are appropriate to elicit the required response. However, other than explaining or demonstrating what is required, the observer should not aid the subject in performing the behavior. We are trying to identify the person's behavior, not the observer's.

(13.0) Motor Development

(13.1) Gross Motor

(13.1.1)	Raises head	() Yes	() No
(13.1.2)	Moves hands	() Yes	() No
(13.1.3)	Sits (aided or unaided)	() Yes	() No
(13.1.4)	Crawls using hands and feet	() Yes	() No
(13.1.5)	Walks without assistance	() Yes	() No
(13.1.6)	Runs	() Yes	() No
(13.1.7)	Skips with both feet	() Yes	() No

<u>(13.2) Fine Motor</u>		
(13.2.1)	Extends fingers	() Yes () No
(13.2.2)	Grasps objects	() Yes () No
(13.2.3)	Range two objects together	() Yes () No
(13.2.4)	Uses hands for eating	() Yes () No
(13.2.5)	Uses fingers in a pincer movement	() Yes () No
(13.2.6)	Puts shapes into corresponding holes	() Yes () No
<u>(13.3) Visual Motor</u>		
(13.3.1)	Attends to visual stimuli	() Yes () No
(13.3.2)	Eyes follow moving object	() Yes () No
(13.3.3)	Circularly tracks using both eyes	() Yes () No
(13.3.4)	Matches 3 primary colors	() Yes () No
(13.3.5)	Discriminates between fine sizes and shapes	() Yes () No
<u>(13.4) Auditory</u>		
(13.4.1)	Responds with startle to loud noise	() Yes () No
(13.4.2)	Turns head or eyes to auditory stimuli	() Yes () No
(13.4.3)	Changes activity with change of sound	() Yes () No
(13.4.4)	Identifies low/high sounds	() Yes () No
<u>(13.5) Tactile/Kinesthetic</u>		
(13.5.1)	Touches, picks up, holds objects	() Yes () No
(13.5.2)	Matches like objects that are wet and dry, smooth and rough	() Yes () No
(13.5.3)	Determines which of two objects is heavier	() Yes () No
(13.5.4)	Walks straight line	() Yes () No
<u>(14.0) Intellectual Development</u>		
<u>(14.1) Self Concept</u>		
(14.1.1)	Has eye contact	() Yes () No
(14.1.2)	Smiles in response to another person's smile	() Yes () No
(14.1.3)	Identifies body parts upon request	() Yes () No
(14.1.4)	Recognizes seeing self in mirror	() Yes () No
(14.1.5)	Answers to own first name (verbal or non-verbal response)	() Yes () No
(14.1.6)	Identifies self in photograph	() Yes () No
(14.1.7)	Demonstrates sense of humor	() Yes () No
<u>(14.2) Communication</u>		
(14.2.1)	Uses movements and gestures to denote needs	() Yes () No
(14.2.2)	Makes sounds to get attention	() Yes () No
(14.2.3)	Imitates sounds	() Yes () No
(14.2.4)	Names objects	() Yes () No
(14.2.5)	Responds verbally to questions	() Yes () No
(14.2.6)	Uses vocal sounds to denote needs	() Yes () No
(14.2.7)	Verbalizes with specific words to denote needs	() Yes () No

(14.2.8)	Follows simple directions	()	Yes	()	No
(14.2.9)	Speaks and is understood by people other than immediate family	()	Yes	()	No
(14.2.10)	Converses in phrases	()	Yes	()	No
(14.2.11)	Converses in simple sentences	()	Yes	()	No
(14.2.12)	Reads with comprehension and understanding (See reading test scores)	()	Yes	()	No
(14.2.13)	Writes words legibly	()	Yes	()	No
(14.2.14)	Writes sentences legibly	()	Yes	()	No

(14.3) Conceptual

	Recognizes:				
(14.3.1)	Sizes	()	Yes	()	No
(14.3.2)	Shapes	()	Yes	()	No
(14.3.3)	Coins	()	Yes	()	No
(14.3.4)	Numerals	()	Yes	()	No
	Matches:				
(14.3.5)	Sizes	()	Yes	()	No
(14.3.6)	Shapes	()	Yes	()	No
(14.3.7)	Coins	()	Yes	()	No
(14.3.8)	Numerals	()	Yes	()	No
	Sorts:				
(14.3.9)	Sizes	()	Yes	()	No
(14.3.10)	Shapes	()	Yes	()	No
(14.3.11)	Coins	()	Yes	()	No
(14.3.12)	Numerals	()	Yes	()	No
(14.3.13)	Counts by rote	()	Yes	()	No
(14.3.14)	Identifies second, third, etc., position in set of 5 or 10 objects	()	Yes	()	No
(14.3.15)	Adds	()	Yes	()	No
(14.3.16)	Subtracts	()	Yes	()	No
(14.3.17)	Multiplies	()	Yes	()	No
(14.3.18)	Divides	()	Yes	()	No
(14.3.19)	Solves simple problems	()	Yes	()	No
(14.3.20)	Uses judgment and reasoning in common sense situations	()	Yes	()	No

(15.0) Social(15.1) Self Care

(15.1.1)	Is toilet trained	()	Yes	()	No
(15.1.2)	Feeds self	()	Yes	()	No
(15.1.3)	Washes hands	()	Yes	()	No
(15.1.4)	Washes face	()	Yes	()	No
(15.1.5)	Brushes teeth	()	Yes	()	No
(15.1.6)	Cares for nose	()	Yes	()	No
(15.1.7)	Cares for clothing	()	Yes	()	No
(15.1.8)	Cares for hair	()	Yes	()	No
(15.1.9)	Demonstrates knowledge (verbally or behaviorally) of safety precautions for a variety of encountered situations	()	Yes	()	No

- | | | | |
|-----------|--------------------------|------------------------------|-----------------------------|
| (15.1.10) | Cares for self with help | ☐ Yes | ☐ No |
| (15.1.11) | Cleans up after self | ☐ Yes | ☐ No |

(15.2) Self Help and Independence

- | | | | |
|----------|--|------------------------------|-----------------------------|
| (15.2.1) | Achieves all self care skills without assistance | ☐ Yes | ☐ No |
| (15.2.2) | Follows task through to completion | ☐ Yes | ☐ No |
| (15.2.3) | Rides bus or train by self (public transportation) | ☐ Yes | ☐ No |
| (15.2.4) | Makes choices | ☐ Yes | ☐ No |
| (15.2.5) | Assumes responsibility for a task | ☐ Yes | ☐ No |
| (15.2.6) | Participates in skills of home and family living | ☐ Yes | ☐ No |
| (15.2.7) | Participates in recreation activities outside the home | ☐ Yes | ☐ No |
| (15.2.8) | Discusses or demonstrates community responsibilities | ☐ Yes | ☐ No |
| (15.2.9) | Shows increasing independence but asks for help when necessary | ☐ Yes | ☐ No |

(15.3) Social Interaction

- | | | | |
|-----------|--|------------------------------|-----------------------------|
| (15.3.1) | Isolates self with no activity | ☐ Yes | ☐ No |
| (15.3.2) | Plays, works alone | ☐ Yes | ☐ No |
| (15.3.3) | Plays, works with another | ☐ Yes | ☐ No |
| (15.3.4) | Plays, works in a group | ☐ Yes | ☐ No |
| (15.3.5) | Behaves within defined limits, respects property of others | ☐ Yes | ☐ No |
| (15.3.6) | Follows simple directions | ☐ Yes | ☐ No |
| (15.3.7) | Follows detailed directions | ☐ Yes | ☐ No |
| (15.3.8) | Organizes daily activities | ☐ Yes | ☐ No |
| (15.3.9) | Plans for future activities | ☐ Yes | ☐ No |
| (15.3.10) | Adjusts behavior to fit rules in a given situation | ☐ Yes | ☐ No |

(15.4) Pre-vocational

- | | | | |
|----------|--|------------------------------|-----------------------------|
| (15.4.1) | Identifies own skills | ☐ Yes | ☐ No |
| (15.4.2) | Locates job possibilities in community | ☐ Yes | ☐ No |
| (15.4.3) | Determines need for training | ☐ Yes | ☐ No |
| (15.4.4) | Fills out application forms | ☐ Yes | ☐ No |
| (15.4.5) | Role plays on-the-job behaviors | ☐ Yes | ☐ No |
| (15.4.6) | Budgets paycheck | ☐ Yes | ☐ No |

(15.5) Vocational

- | | | | |
|----------|--|------------------------------|-----------------------------|
| (15.5.1) | Uses specific tools | ☐ Yes | ☐ No |
| (15.5.2) | Solves specific job-related problems | ☐ Yes | ☐ No |
| (15.5.3) | Completes job task | ☐ Yes | ☐ No |
| (15.5.4) | Asks for additional tasks when present task is completed | ☐ Yes | ☐ No |
| (15.5.5) | Responds in a positive verbal manner toward job situations | ☐ Yes | ☐ No |
| (15.5.6) | Demonstrates skills related to specific areas | ☐ Yes | ☐ No |

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- (15.5.7) Parents' comments about person working are: () positive () negative
- (15.5.8) Work Experience: _____
- (15.5.8.1) Title of Last Job from Dictionary of Occupational Titles (D.O.T.)
 Title _____ and Code _____
- (15.5.8.2) Date last employed ____ / ____ / ____
- (15.5.8.3) Months on last job ____
- (15.5.8.4) Did person leave voluntarily? () Yes () No
- Remarks: _____

AREAS OF ASSESSMENT

Check the assessment instrument(s) or device(s) used with the person. Record the scores in the right hand column noting subtest scores if appropriate. If a test other than those listed was used, check the "others" choice at the end of the listing and specify the test(s) used and the score(s).

If the instrument(s) result in narrative descriptions instead of scores, include (19.0) the narrative(s) or summary at the end of this form.

(16.0) Physical Development

	<u>Used</u>	<u>Instrument Name</u>	<u>Scores</u>
(16.1)	()	Bender-Gestalt Test	_____
(16.2)	()	Illinois Test of Psycholinguistic Abilities	_____
		Visual Reception	_____
		Visual Sequential Memory	_____
		Auditory Vocal Association	_____
		Auditory Sequential Memory	_____
		Visual Motor Association	_____
		Visual Closure	_____
		Verbal Expression	_____
		Grammatic Closure	_____
		Manual Expression	_____
		Auditory Closure	_____
		Sound Blending	_____
(16.3)	()	Frostig Developmental Test of Visual Motor Perception	_____
		Eye-Motor Coordinator	_____
		Figure-Ground Discrimination	_____
		Form Constancy	_____
		Position in Space	_____
		Perceptual Quotient (Total)	_____

- (16.4) () Minnesota Percepto-Diagnostic Test
Scores
- (16.5) () Raven Progressive Matrices
Scores
- (16.6) () Winter Haven Test
- (16.7) () Benton Revised Visual Attention Test
Scores
- (16.8) () Lincoln-Oseretsky Motor Development
Scores
- (16.9) () Sklar Aphasic Scale
Scores
- (16.10) () Screening Test for Aphasia
Scores
- () Hiskey-Nebraska Test
Scores
- (16.12) () Wepman Auditory Discrimination Test
- (16.13) () Denver Developmental Screening Test
- (16.14) () Bayley Scale of Infant Development
- (16.16) () Others; List:

(17.0) Intellectual Development

<u>Used</u>	<u>Instrument Name</u>	<u>Scores</u>
(17.1)	() Wechsler Preschool and Primary Scale of Intelligence	
	Verbal IQ	
	Performance IQ	
	Full Scale IQ	
(17.2)	() Wechsler Intelligence Scale for Children	
	Verbal IQ	
	Performance IQ	
	Full Scale IQ	
(17.3)	() Revised Stanford-Binet IQ	

(17.4)	()	Peabody Picture Vocabulary	_____
		Mental Age	_____
		Standard Score IQ	_____
		Percentile	_____
(17.5)	()	Goodenough-Harris Drawing Test	_____
		Point Scale Percentile Rank	_____
		Quality Scale Percentile Rank	_____
(17.6)	()	Slosson Intelligence Test	_____
		IQ	_____
(17.7)	()	Wide Range Achievement Test	_____
		Oral Reading Grade Equivalent	_____
		Spelling	_____
		Arithmetic Computation	_____
(17.8)	()	Columbia Mental Maturity Scale	_____
		IQ	_____
(17.9)	()	Leiter International Performance Scale	_____
		IQ	_____
(17.10)	()	Ammons Pull Range Picture Vocabulary	_____
		Scale	_____
		Scores	_____
(17.11)	()	Arthur Point Scale of Performance	_____
		Scores	_____
(17.12)	()	Minnesota Pre-School Scale	_____
		Scores	_____
(17.13)	()	Gray Oral Reading Test	_____
		Speed	_____
		Accuracy	_____
		Comprehension	_____
(17.14)	()	French's Picture Test of Intelligence	_____
(17.15)	()	Others; List:	_____
		_____	_____
		_____	_____
		_____	_____

(18.0) Social Development

Used	Instrument Name	Scores
(18.1)	() Vineland Social Maturity Scale	_____
	Social Age	_____
(18.2)	() Gesell Developmental Schedules	_____
(18.3)	() Caine-Levine Social Competency Scale	_____
(18.4)	() Hand Test	_____
(18.5)	() Rutter Incomplete Sentences	_____
(18.6)	() Draw-a-Person	_____
(18.7)	() House-Tree-Person	_____
(18.8)	() Children's Apperception Test	_____

(20.0) Vocational Assessments

List skills, areas, aptitudes (e.g. NATE - Non-reading Aptitude Test Battery) and job samples (e.g. Tower's Test):

(21.0) Personnel Involved in Providing Evaluation Input:

- (21.1) () Educator
- (21.2) () Social Worker
- (21.3) () Home and School Visitor
- (21.4) () Speech Therapist
- (21.5) () Occupational Therapist
- (21.6) () Physical Therapist
- (21.7) () Physician
- (21.8) () Psychiatrist
- (21.9) () Psychologist
- (21.10) () Ophthalmologist
- (21.11) () Optometrist
- (21.12) () Audiologist
- (21.13) () Neurologist
- (21.14) () Pediatrician
- (21.15) () Nurse
- (21.16) () Others; List:

PROGRAM PRESCRIPTION

Check the type of program(s) under (22.0) that the evaluation team recommends based upon consideration of necessary program services according to data from this form and any other information. If "others" is recommended, please note what they are. If the person is already in a program, but the team feels the program should be changed, enter the change below. If you feel the current program is appropriate, enter the placement number below. In the space below describe a program for the person based on the preceding findings. (Also indicate service recommendations on the RPM).

(22.1)	()	Regular Class
(22.2)	()	EDG (Specific content per program prescription)
(22.3)	()	THM (Specific content per program prescription)
(22.4)	()	Resource Room
(22.5)	()	Pre-Vocational or Vocational Program
(22.6)	()	Itinerant
(22.7)	()	Homebound Instruction
(22.8)	()	Others; List:

(22.9) School Code / / / / / / / School Name

(23.1)	()	Speech Therapy
(23.2)	()	Hearing Therapy
(23.3)	()	Visually Handicapped Services
(23.4)	()	Medical Treatment
(23.5)	()	Occupational Therapy
(23.6)	()	Physical Therapy
(23.7)	()	Psychological Services
(23.8)	()	Psychiatric Services
(23.9)	()	Others; List:

(24.1) Has this person been placed in a program of education and training?
() Yes () No

List the number(s) from (22.0) that identify the program(s).

(24.2) $\frac{1}{2} \frac{1}{2} \frac{1}{2} \frac{1}{2} \frac{1}{2}$
 (24.3) $\frac{1}{2} \frac{1}{2} \frac{1}{2} \frac{1}{2} \frac{1}{2}$
 (24.4) $\frac{1}{2} \frac{1}{2} \frac{1}{2} \frac{1}{2} \frac{1}{2}$

(25.0) If the person has not been placed, enter the anticipated date of placement. If there is no date known at the time this evaluation report was completed, enter "NP" (Not Placed) to the right of the space for year.

1 MONTH 1 DAY 1 YEAR

NOTE: Placement must be accomplished not later than September 1, 1972.

(26.0) Is this person receiving any recommended supportive services?
☐ Yes ☐ No

(27.0) If the person is currently receiving recommended services, list the identifying numbers from (23.0) of those services.

(27.1) _____

(27.3) _____

(27.2) _____

(27.4) _____

(28.0) If no recommended services are currently provided, list the anticipated date of initiation of these services? If the date is not known, enter, "NK" (Not Known) to the right of the space for year.

MONTH

DAY

YEAR

NOTE: Record the appropriate information (evaluation data, recommended services, school code and name, etc.) on Part III, Copy E of the Referral/Placement Master (RPM) and return copy to the IU. File this evaluation form and send a copy to the IU executive director.

Date

Signature

IMPORTANT: ALL DATA ON THIS FORM MUST BE TYPED!

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APPENDIX C

NOTE: AT THE TIME COPY (F) IS REMOVED DISCARD USED CARBONS BY PEELING AWAY THE STUB BETWEEN COPY C AND D.

PENNSYLVANIA DEPARTMENT OF EDUCATION

BUREAU OF SPECIAL EDUCATION

REFERRAL / PLACEMENT MASTER (RPM)

(3)

INSTRUCTIONS

- INSTRUCTIONS
- COPY A FILE AS THE IJ RECORD AFTER COMPLETION OF PARTS (I THRU IV).
- COPY B SEND TO PDE UPON COMPLETION OF PART I
- COPY C SEND TO THE SCHOOL DISTRICT OR IJ WHERE CHILD IS PLACED AFTER PARTS (I THRU IV) ARE COMPLETED.
- COPY D SEND TO AGENCY RESPONSIBLE FOR SCREENING WHEN PART I IS COMPLETED. TYPE RETURNED INFORMATION IN PART II.
- COPY E AFTER PART (I AND II) ARE COMPLETED SEND TO AGENCY RESPONSIBLE FOR EVALUATION. TYPE RETURNED INFORMATION IN PART III.
- COPY F AFTER PARTS (I THRU III) ARE COMPLETED SEND TO THE PROGRAM ADMINISTRATOR ALONG WITH THE CHILD'S EVALUATION FORM. THE PROGRAM CAN BE IDENTIFIED BY CODE AND NAME UNDER PART III. TYPE RETURNED INFORMATION IN PART IV.

PART 1 IDENTIFICATION

CARD 11

CARD (1)

INTERMEDIATE LIST CODE NO.

CHLD. CODE NO.

IDENTIFICATION DATE (MO./DAY/YR.)

CHS 0. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 8

CARD (2)

12 30 22 40 86

DATE OF BIRTH LAST NAME FIRST CITY STATE AREA CODE TELEPHONE

CARD 131

[illegible]

THE FUTURE

STATUS CODES 01 - DATE OF LAST EVALUATION 02 - CONFIRMED NOT TO BE MR 03 - MOVED OUT OF STATE 04 - LIVES OUT OF DISTRICT 05 - RECEIVED CERTIFICATE / DIPLOMA 06 - HOLDS EMPLOYMENT CERTIFICATE 07 - BEYOND COMPULSORY SCHOOL AGE 08 - DROPPED OUT OF SCHOOL 09 - IN APPROVED PRIVATE PROGRAM 10 - PRESENTLY IN POW PROGRAM 11 - PRESENTLY IN OPW PROGRAM 12 - IN DETENTION HOME 13 - EXCLUDED BECAUSE UNRECOGNIZABLE 14 - RECEIVING HOUSING INSTRUCTION 15 - PRE-SCHOOL AGE (0-6) 16 - ADMISSION POSTPONED (0-6) 17 - EXCLUDED DUE TO EXTREME MR 18 - EXCLUDED-CANNOT BENEFIT FROM ED 19 - INSTITUTIONALIZED 20 - DECEASED 21 - UNKNOWN 22 - OTHER 23 - NEVER IN SCHOOL

PART II SCREENING

CARD 4

Figure 1 shows a schematic representation of the 12 probes used for the detection of the 12 genes. The probes are labeled 1 through 12. Probes 1-6 are for the 5' region, and probes 7-12 are for the 3' region. The probes are shown as horizontal bars with their respective sequences and positions indicated.

PART III EVALUATION

CARO (S)

EVAL
 RESPON
 CARD (A)

1 5
 2 3 CM
 0 1

CODE

DATE OF
 EVALUATION

EVAL
 RESULTS
 CODE

10 20 30 40 50

100

[illegible]

PART IV PLACEMENT

17

_____ OTHER _____ SCHOOL CODE _____ SCHOOL NAME _____ COMP _____

CARD 1

PLACEMENT
STATUS**F U CENTRAL FILE RECORD**

STATEMENT OF
NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION
TO THE
SENATE LABOR AND
WELFARE COMMITTEE
ON
S. 4
EDUCATION FOR ALL HANDICAPPED CHILDRENS ACT
April 9, 1973

Witness:

Dr. William F. Ohrtman, Director
Bureau of Special Education
Department of Education - Pennsylvania
President of National Association of
State Directors of Special Education - 1972-73

TESTIMONY:

Mr. Chairman, members of the Committee:

I am Dr. William F. Chartman, Director - Bureau of Education for the Handicapped - Pennsylvania and current president of the National Association of State Directors of Special Education, Inc. (NASDSE). Also representing the organization, but not present today, are Mr. Herbert Nash, Director of Special Education Services - Georgia, president-elect, and Mr. Earl Andersen, Executive Director of the Association, with offices in Washington, D. C.

It is indeed a pleasure to come before the Senate Labor and Public Welfare Committee and offer testimony in behalf of the National Association of State Directors of Special Education. In commenting on S. 6, legislation that will activate the provisions specified in the Education For All Handicapped Childrens Act to June 30, 1977, the Association acknowledges, with sincere gratitude, the many hours of dedicated concern that members of this committee have already devoted to the improving and strengthening of existing services and programs for the nations target populations of exceptional children and youth. Further, recognition is hereby given to the Chairman, Senator Williams, for his untiring efforts to provide continuous and extended leadership in a successful effort to equitably develop the role of federal and state governments as they pursue mutual and exclusive responsibilities in behalf of the handicapped.

As the representative of the approximately eighty individuals that function in key leadership roles in the various departments of education in two many states and territories, I would like to emphasize that the National Association of State Directors of Special Education be recognized as one of the many professional and lay organizations that have expressed interest in both the content and intent of S. 6. In our view, this piece of legislation represents a continuing, necessary example

of federal-state support for the handicapped in public education.

S. 6 can, in the Association's view, significantly promote both the growth and development of local and state programs of education for the handicapped. Joint planning with the states under this legislation can strengthen the federal-state interface and provide the basis for comprehensive planning at local, state and regional levels.

The fiscal provisions of the Education For All Handicapped Children Act (S. 6) will clearly encourage the development of statewide comprehensive planning for all children. Needed supportive services in the form of the Special Education Instructional Materials and the Regional Media Centers Networks can become more effective. Regional Resource Centers will be strengthened and newly identified target populations such as the deaf-blind, severely multiply handicapped and the very young pre-school handicapped groups can be offered necessary services not now available. In essence, EAHCA will be a strong motivating force for the encouragement of personnel, the source of funds for expansion and development of needed supportive services and finally the legal foundation upon which each handicapped child and young person can and must be provided his guaranteed right to an appropriate education.

The problem of determining the necessary and actual parameters for the education of all handicapped children and youth in each of the states and territories is indeed complex. Current best estimates suggest that there are six to seven million children in the nation with identifiable mental, physical, emotional handicaps and/or specific learning disabilities. Collaborative data gathering efforts among and between the separate states indicate that about 50 percent or approximately three and a half million of these children and youth are now receiving the education that they need and are entitled to receive. It is important to note that included in these target populations

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are one million very young pre-school youngsters and approximately one million others of school age who are totally excluded from the benefits of an appropriate public education.

As you can well imagine, state directors of special education and state education agency staff personnel are already vitally concerned with the responsibility of developing and putting into operation programs of special education that will provide suitable and appropriate learning opportunities for the unserved fifty percent of the target populations noted. As has been brought to this committee's attention by previous testimony on the part of other nationally based organizations, the recent and developing series of court decrees mandating full, appropriate public education for all exceptional children and youth suggests that there is a clear and continuing need to encourage and subsequently develop even stronger federal-state collaboration in behalf of the handicapped learner.

With the courts now stipulating that such services and programs of special education be provided, you in the Congress, as well as those of us who serve in state governmental agencies, are on the threshold of an opportunity to develop and implement creative and innovative approaches that will indeed promote flexibility within and among the separate states and territories and, at the same time, supply the means by which such efforts can, in fact, be accomplished. It is therefore, our contention that S. 6 is a significant bridge that can provide vital services, help to develop necessary training strategies, support necessary research and finally, enable the nation to continue, uninterrupted, the flow of information, materials, and human resources that have significantly strengthened and expanded opportunities for the growth of all children and youth, including the learning handicapped.

It is the view of the state directors of special education that what has thus far been a functional and productive relationship between federal and state governments

should, with continued effort and attention, become an intact, viable partnership. The recognition of past successes and accomplishments in combination with the development of the "right to education" suggests quite clearly that continued close collaboration between federal and state governments is, in fact, a priority. This is particularly evident in regard to the development and accomplishment of comprehensive, applicable methods of federal-state funding in behalf of the handicapped.

At the present time, it is projected that the cost to educate all handicapped children and youth in the nation is approximately \$7 billion per year. The current federal commitment is, at best, estimated to be approximately \$230 million. Thus, the federal government is now providing slightly more than three percent of the cost of educating the handicapped which can be compared with seven percent of the cost of educating all other children.

Of course, questions remain. For example, shall the effort, represented by the provisions of E. 6, be developed to the point where the federal government does, in fact, share a significant role in the overall costs needed to educate exceptional children and youth? Or, will such an effort be diminished by the adoption of the Administrations recently presented method of Education Revenue Sharing (The Better Schools Act) which is supposed to expand and facilitate both the capacity and responsibility of the states and territories to administer and fund special programs of education for the handicapped?

Based on available information the second alternative, Education Revenue Sharing (The Better Schools Act) is not fiscally developed to the point where the appropriation and allocation of federal monies is sufficient to close the gap between the identified needs of the states and territories and the available scarce resources necessary to fulfill such needs. When additional information about the concept of Education Revenue Sharing is made available, the National Association of State

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Directors of Special Education can, and will, address itself to this subject in greater detail. In the interim, we are concerned that the scarce resources now in hand not be lost in administrative entanglements that somehow seem to accompany new and untried programs. Funds to support and assist target populations of exceptional children and youth are too few, too scarce, to allow them to be expended for purposes other than those that are earmarked for the handicapped.

Along with others who have testified before this committee, it is the Association's current position that S. 6, a bill designed to strengthen and expand instructional and supportive services for the learning handicapped nationwide, is worthy of support and should be given serious consideration by the Congress. S. 6 would help to maintain vital basic services for the development of special education personnel, provide support for continuing research, and model instructional programs and assist with the promotion of cooperative inter-state planning for the handicapped.

We are gratified to note that you, Mr. Chairman, have developed a keen and discerning sensitivity to the fundamental issues and concerns that confront the various states and territories in their pursuit of solutions to complex, vexing problems. Your commitment is clearly illustrated by the introduction of the "Education For All Handicapped Children Act" (S. 6) in the opening days of this 93rd Session. We are interested in and anticipate that this legislation will be given full consideration by both houses of the Congress. In closing this testimony, be advised that the full resources of the National Association of State Directors of Special Education will be at your disposal as you and fellow committee members deliberate and make decisions about these difficult problems.

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A PROPOSAL FOR FEDERAL REVENUE SHARING FOR THE
EDUCATION OF HANDICAPPED CHILDREN

Prepared for the Maryland State Board of Education
by the Maryland State Department of Education

November 29, 1972

NATIONAL CONCERN

Perhaps no other concept is as widely accepted by the citizens of our country as is the concept of equality of educational opportunity. The founding fathers of our country were emphatic in their expression of the need for a universal system of free education open to all. The writings of each of our early presidents revealed recognition of the importance of universal public education as the foundation of American democracy. More recent legislative proposals and the messages of our recent presidents have reemphasized this concern.

Although there has been repeated expression of concern and reidentification of the problems, the solution to the problem of equality of educational opportunity has remained elusive. Progress has been made for some children in some communities but in the main, the schools of our country have failed a significant portion of the handicapped children.

Education is the right of all children. The principle of education for all is based on the philosophical premise of democracy that every person is valuable in his own right and should be afforded equal opportunities to develop to his full potential. The constitutions of the states include a statement similar to that included in the Constitution of Maryland where in Article 43 one finds the statement: "That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the People. Another statement in the Constitution of Maryland is included in Article VIII, Section 1 which states that "The General Assembly, at its First Session after the adoption of the Constitution, shall by Law

establish throughout the state an efficient System of Free Public Schools; and shall provide by taxation or otherwise, for their maintenance." Similar statements are included in the constitutions of the other states of our nation. Thus, no democratic society should deny educational opportunities to any child, regardless of his potentialities for making a contribution to society. A system of universal education means that opportunities are not denied any child. Since the passage of the first public education laws, in the mid-nineteenth century, the principle has received general endorsement and qualified execution. While lip service has been paid to the intent of the principle, various interpretations of the terms "education" and "all children" have deprived many children of their rights.

Aside from the benefits to society that are derived from providing a complete education to our handicapped children, there are other reasons which dictate an expanded program of special educational services. From the point of view of the individual, not only does education enable one to contribute effectively to his society, but it also provides him with an enriched, more meaningful, and for the most, a more enjoyable life. To provide this enrichment to the normal child and to deny it to a handicapped child is inconsistent with the values of our society.

While the aforementioned principle is broadly espoused, in practice one finds considerable evidence that there is limited implementation of educational services and programs for the handicapped. This fact is evident through an analysis of the reports compiled by the State-Federal Information Clearing House for Exceptional Children, The Council for Exceptional Children. That class action suits have been filed in more than twenty states by parents of handicapped children who have been denied enrollment in the special education programs of the public schools is also reflective of the situation as it actually exists.

LEVELS OF GOVERNMENTAL RESPONSIBILITY FOR SUPPORT OF SPECIAL EDUCATION

A crucial set of policy questions concerns the allocation of responsibilities for education among the several governmental levels.

Local School Districts

Local school districts should provide continuing support for their community educational services, including participation in the financing of every educational program. Local financial input into programs for the handicapped should be at least equal to that made into programs for the nonhandicapped. Since programs of education are provided free of any charge to nonhandicapped children, the necessary programs and services required by the handicapped should be equally free for all who require them. The school district should be responsible for at least annual review of all children to assure that their education is proceeding adequately. The local school district should maintain a completely up-to-date roster of all of its children. Its lists should include the current school placement of every handicapped child served by that school district and a separate listing of handicapped children who are the continuing responsibility of that school district but are being served outside the public schools of that district. The rationale for such placement should be listed. The local school district carries major responsibility for the quality of its special education programs and for coordination with other agencies to achieve comprehensive child-centered services.

State Government

The basic responsibility for providing educational programs for all children in all parts of the state rests with the state government. States should provide financial support to develop and encourage the improvement

of comprehensive educational services throughout the state so as to assure adequate educational opportunities to every child without direct cost to his family. Special financial support should be offered by the state to the local school districts so that the additional costs for educating the handicapped do not become excess expenditures by the local district for a few of its pupils. All state charges and aids relating to the handicapped should be of such form that there is no incentive for an agency to choose a particular form of education for a child on the basis of financial advantage. A particular responsibility of state government is to provide professional leadership and direction to a carefully planned state wide program of special education and to provide coordination among the several departments of government other than education which may be called upon to serve exceptional children and their families.

While the constitutions of the individual states mandate school attendance for pupils within given age ranges, appropriate services and programs are not available for all. This lack of services or denial of services is based upon a variety of factors. Some of these are real while others serve as an excuse.

Among the reasons given for lack of programs for handicapped children are:

1. Lack of specific information regarding the numbers and needs of handicapped children.
2. Programs of education for the handicapped require expenditures over and above those required for the education of the nonhandicapped. Budget limitations do not permit the implementation of suggested programs and services.

3. Shortage of classroom space.
4. Limited supply of professionally trained personnel for the range in services required by the handicapped.

The Federal Government

Since an educated and informed citizenry is basic to a democracy, it is the obligation of the Federal Government to make certain that every child is provided with free and equal education. Children are the country's primary resource, and, as such, every child is entitled to an optimal education to maximize his contributions to the continuing development of our nation.

For this reason, there is particular justification for Federal Government support for the various aspects of the educational enterprise that cannot reasonably be undertaken and supported individually by the several states. For example, the financial support of preschool programs for handicapped children who require services and programs beyond those usually included in the public schools of our country and the support of research on instructional approaches to serving the handicapped children of our nation.

NUMBER OF HANDICAPPED CHILDREN

While there is little problem in learning of the numbers of handicapped children who are included in the public school programs of our country, there are no exact figures on the true size of the handicapped population. Question has been raised as to whether some children who do not have severe handicaps are included in programs while many severely handicapped are on waiting lists or have been excluded from programs. There is some question as to whether or not all children identified as having handicaps are in the learning location which best serves their needs. Parents are raising challenges to what the schools are not doing. This is indicated by the rash of litigations and class action cases now in the courts of our country.

As a part of the information required of each school district when it applies for ESEA Title VI funds is the statistical picture on the number of handicapped children residing in the applying school district who are not being served. These data must be presented by diagnostic category. State Departments of Education use the information collected through this process as the means for assessing the unmet needs of the handicapped children of each state. The basic problem with this procedure is that the reports are no more accurate than are the estimates made by the individuals who assess local unmet needs. In few, if any, communities are these figures arrived at through an exact systematic census taking process or through the utilization of a data bank on the handicapped.

This lack of reliable data is best evidenced through the range in estimates on the handicapped children population presented in the professional literature and in presentations made at national conferences. The estimates run all the way from 6,000,000 to 9,000,000.

Suffice it to say, there is a considerable population of handicapped children, the exact size of which is not at this time known, which has need for the development of learning services and programs beyond those currently available. That the size of this population is not known now does not give justification for these circumstances to continue. Many agencies, both of government and nonpublic, have for too long worked individually and apart from one another in assessing needs and in the provision of services. The net result is that some children are included in several services while many others are denied any form of help.

Maryland, through the use of ESEA Title VI funds, is making an effort to remedy this situation through the development of a Maryland State Data System for the Handicapped. Expanding success in methods of diagnosis, education, therapy and technology for treating handicapped children has increased professional and social awareness of the need for a coordinated approach in treating the handicapped. It has been observed that our priorities in serving handicapped children are sometimes twisted and that we must translate our promising research into practice, and through a coordinated approach deploy the funds available in a more effective and meaningful manner. Program, service and manpower requirements have not kept pace with increased need. Provision must be made for accurate projection on the size and location of the population of handicapped children and their learning needs so that treatment and learning centers may be planned and developed and that an estimate on the kinds and levels of training of professional personnel to serve this population may be arrived at.

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In 1969-70 the State of Maryland spent more than \$325,000 on out-of-state placements of 615 handicapped children for whom there were no appropriate educational programs within the home school district. If it were possible to project accurately the future needs of the handicapped in each community and each state one could plan more efficiently and effectively for the future.

The benefits which might accrue from the data system for the handicapped are:

1. A more exact definition of the handicapped population
2. Communication among agencies so that children receive coordinated services and are not counted more than once as members of the handicapped population.
3. The ability to make more accurate projections on future programming needs, as well as physical plant and personnel needs.
4. The determination of unidentified populations, i. e. prevalence rates x child population projections--identified populations
5. The discovery of duplication of services
6. Relative effectiveness of programs in serving the handicapped.
7. Observation of which services, based on research, are appropriate but ineffectual due to lack of resources.
8. Identification of ways in which established agencies may contribute services to other agencies thus improving the effectiveness of programs.
9. Aid in the establishment of priorities of need.
10. Discovery of unknown relationships and the generation of new

knowledge.

11. An accurate appraisal of the current state of affairs in the treatment of the handicapped.

The general objective of the Maryland Data System for Handicapped Children is to consolidate existing data and generate complete accurate additional data for the purpose of coordinating state-level decision making in serving the handicapped.

The stimulation by the federal government of similar activities in each of the other 49 states would permit a more exact identification of the handicapped population and lead the way toward the assessment procedures which could help define the programs and services for which our handicapped children dictate the need.

As has been previously stated, reliable estimates of the number of handicapped children in need of education do not exist. For some states, court suits have forced the admission of handicapped children into public schools from which they were previously excluded.

Maryland has had a program of State aid for the education of handicapped children since 1964. It is estimated that approximately 51% of children enrolled in the public schools of Maryland who have need for Special Education services and/or programs had such made available to them. The most recent report on the number of handicapped children in each state of our nation lists the number currently receiving services as compared with those awaiting such placement. Maryland is listed as having 123,639 handicapped children between ages 0 and 21. The Final Financial Calculations for Aid to the Handicapped Program .06 as compiled by the Maryland State Department of Education indicates that 63,646 handicapped children received some form of special educational service during School Year 1971-1972.

CURRENT FEDERAL AID PROGRAMS

The Federal Government has demonstrated its concern for the educational needs of the handicapped through the enactment of a number of laws. The majority of the programs which have resulted are administered or monitored by the Bureau of Education for the Handicapped, United States Office of Education. For Fiscal Year 1972 this Bureau administered appropriations totaling \$227,291,116. Other monies were appropriated for services for the handicapped but located within the responsibilities of other agencies of government. A considerable portion of the appropriated money was reserved for research efforts and for the training of professional personnel.

The basic approach required to obtain the advantages of the available funds has been through development of a project proposal. These proposals were then reviewed at either the state or Federal level and selection for implementation made. While every community, state and trainer of professional personnel had equal opportunity to submit proposals, the skill in development and presentation of plans to serve the handicapped was not broadly available. The result has been a less than equitable distribution of available funds. In many cases handicapped children of a given political subdivision have been denied the advantages of Federal funding because the professional personnel of that community were unwilling or unable to compete for the available monies.

DEFINITION

For the purposes of this proposed legislation the following definition is offered:

A handicapped child shall be one with a physical or mental impairment which, in the judgment of qualified evaluators, makes a special educational and training program necessary or desirable to help the child attain a scholastic achievement as near normal as feasible.

PROGRAMS AND COSTS

Enabling legislation on programs of education for the handicapped have related to diagnostic categories. Too frequently the manner in which the law was interpreted has dictated the pattern for provision of services.

At present Maryland is moving towards a pattern for the delivery of programs and services known as the Continuum. This approach reduces the requirement for special class placement of the handicapped and places increased emphasis on the retention of each child within the regular classroom for as much of the regular class program as he is able to benefit from. Several other states of our nation are moving in a similar direction.

Funding patterns should not dictate the delivery patterns. Each superintendent of schools has the responsibility to arrange for the distribution of pupils, the deployment of staff and resources and the provision of necessary housing in his community.

No single approach to the educational needs is equally effective for all children. Many approaches to teaching the handicapped are sound. Rather than to dictate one method, we propose that programs be funded on a per pupil basis without regard for the method of instruction or the therapy employed.

To relate future contributions of various levels of government to current percentages of input is not realistic, particularly since various reports indicate that approximately 52% of the handicapped children of our nation are currently being denied services. Instead, it is proposed that Federal Aid at the level of \$15 for every child enrolled kindergarten through grade twelve of the public schools be made available through the state departments of education. The public school enrollment for Fall 1971 was 46,168,540. This pattern of funding would thus require an appropriation of approximately \$700,000,000.

The distribution of these monies would be the responsibilities of the individual states. Each school district would receive the per pupil allocation. The requirement that this allocation be set up in a separate budget account, to which state and local input would be added, could provide assurances that the funds were being used for the purposes for which they were made available.

The proposed funding at the level of \$15 per pupil, kindergarten through grade twelve, would make \$13,964,850 available for the special educational needs of the 930,990 pupils of Maryland. This amount would represent approximately half the 1971-1972 expenditure of the State of Maryland for the excess costs of programming for handicapped children of the state.

PROGRAM COSTS

Although the financing of education has attracted the attention of both the general public and the professional community since the turn of the century, the financing of educational programs for handicapped children has received very little attention. Only in recent years have there been studies specifically directed to the problems of financing special education programs for the handicapped.

The U. S. Office of Education has regularly published summaries of the public school finance programs of the fifty states. These data do not permit specific identification and examination of cost figures but represent the best overview of the situation as it exists. An analysis of the 1968-1969 report reveals that twenty-three states provided categorical aids for special education programs, ten states provided general aid, thirteen states provided a combination of categorical and general aid, and four states reported no specific provisions for financial support of special education programs.

The "Analytic Study of State Legislation for Handicapped Children" conducted by the Council for Exceptional Children was a two year study of special education legislation of the states. The following summarizes their findings:

...most states have some form of reimbursement to local school districts for efforts for handicapped children beyond the general school reimbursement...

We might group the reimbursement formulae in two categories: unit formulae and per pupil formulae.

Unit systems are most common in states operating under minimum foundation programs. Unit formulae place great fiscal authority in the hands of state boards of education and state legislatures, since the units must be appropriated in order to have any level of state financial assistance.

A second type of unit formulae is the percentage reimbursement. Under this plan, units may be authorized, but there is no assurance that reimbursement will be at the 100% level. If the number of operating units exceed anticipation, reimbursement may be prorated.

Another general category of reimbursement is the per pupil reimbursement. Under this system there are three basic patterns with variations.

First, there is the "straight sum reimbursement." Under this plan the general state law specifies the per pupil reimbursement. The amounts of state aid may vary with the handicapping condition.

A second type is the excess cost formula. Under this system, the district first determines a per pupil cost for instruction, then subtracts from this cost the cost of educating the nonhandicapped child of the same school district. Once the excess cost figure is obtained, there are several variations on reimbursement. Some states place no limit on the excess costs; some states place a dollar maximum on the amount which the state may reimburse; some states reimburse a percentage of the excess cost, depending upon the amount appropriated by the legislature.

Another pattern of per pupil reimbursement is the weighted formula. This approach is used variously by either placing weighted values on pupils with handicaps or through the provision of additional teacher units for special classes.

COST STUDIES IN SPECIAL EDUCATION

Several investigations have been conducted in an attempt to determine the nature of the costs associated with various special education programs. In 1967 the California State Department of Education made a study of the costs and expenditures for special education in that state. The special education programs in thirteen school districts were studied plus those of eight county school systems. The study, which was conducted by staff members of the California State Department of Education, was concluded in 1968. A summary of their findings follows:

a. Cost and Expenditures for Special Education

The group found that accounting practices, while consistent in bookkeeping procedures, varied between districts because of different district financial information needs. Some districts felt it necessary to determine cost by prorating all indirect costs (i.e. business office, data processing) to the program. Other districts felt that only direct charges were an accurate determination of cost. There was no attempt by the group to reconcile these two approaches to cost accounting.

b. Relative State and Local Share of the Support Program

The state and local shares of the financial support program were determined by comparing in the form of a ratio, the state share to program cost and the local share to program cost. Established district programs, such as the Educable Mentally Retarded program, showed a state support level from a low of 22% to a high of 87%. This would indicate that in one school district the state contributes 2/10ths of the financial support

while in another district the state contributes almost 9/10ths of the program costs. This variation appears to be due to the accounting practices of the district and/or to the district commitment in providing local support to the program.

In some programs the district received more state aid than it reported as expended in the program so there was no designated actual local support necessary.

c. Sources of Support

Support for special education is derived from state aid, local support and from the federal government.

d. How the Money is Spent in Various Programs

The cost data obtained in the California study has limited utility because accounting procedures varied considerably from one district to another. (For example, the per pupil cost in the program for educable mentally retarded pupils ranged from \$711 to \$2,650 in the thirteen local school districts.) A further limitation of the data was the lack of information on expenditures for the various program elements. Additionally, no data on expenditures for other educational programs were provided as a basis for comparison.

A second study was undertaken by the Rochester, N. Y. Bureau of Municipal Research, Inc. This study included the eighteen school districts of Monroe County, N. Y. including the city schools of Rochester. These data also reported a considerable range in program costs among the investigated communities.

A third study conducted by the New York State Department of Education reported on data collected in several cities of the state. The findings of this study were similar to those of the first two studies. The program costs represented a considerable range. (For example: the range for educating a physically handicapped child enrolled in one of the communities of the Rochester Study was from \$1335 to \$1900 while the New York State Department Study showed a range for the same group to be from \$563 to \$1838.)

The most recent study done by Rossmiller, Hale and Frohreich is an intensive effort to identify specific program costs. It resulted in the same frustration as did similar efforts.

It is only as school systems adopt a common budgeting and accounting procedure that one will be able to compare specific program costs with reasonable assurance. It is only as school systems are provided with specific guidelines on allowable items for inclusion in determination of program costs that one will be able to rely upon figures submitted as excess costs for programs for the handicapped. To continue to rely upon questionable data as a basis for provision of state or Federal Aid is foolish.

There is little question that programs for the handicapped require additional expenditures over those made for educational programs for the nonhandicapped. There is also little question that included within our pupil populations there are many children with mental retardation or physical handicaps which dictate the provision of special education services and programs.

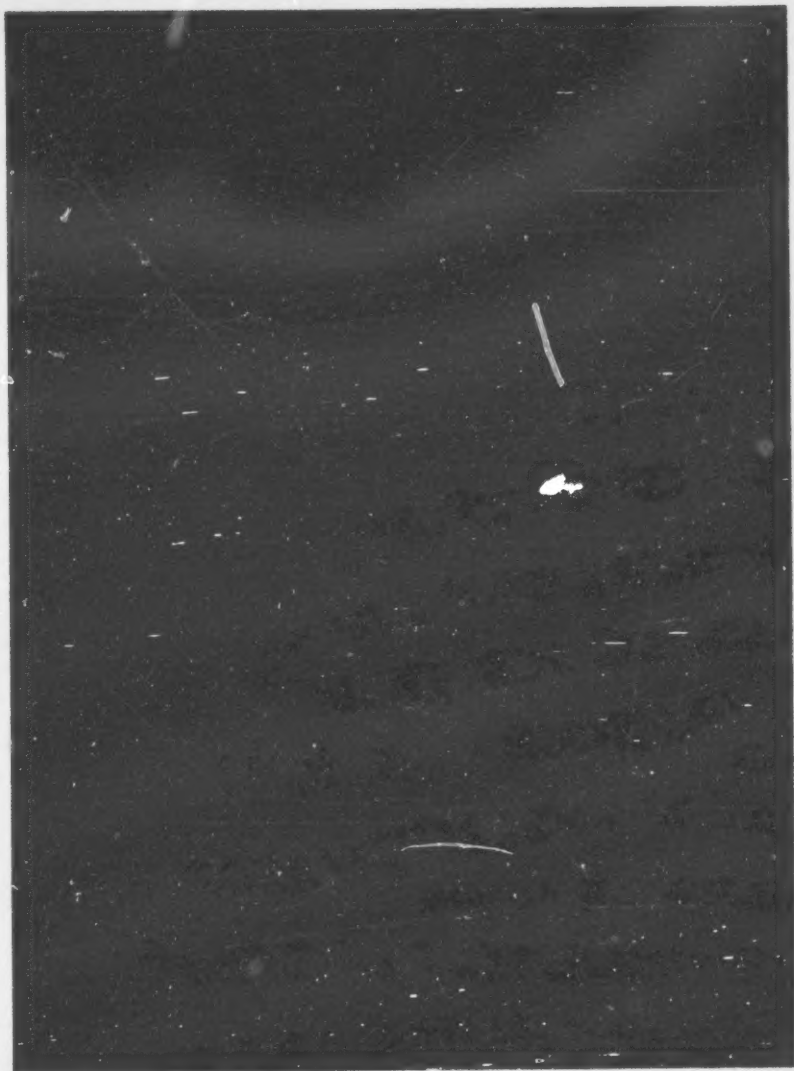
It is therefore recommended that funding patterns not relate to excess cost factors but instead make per pupil allocations to school districts for the financing of necessary programs. Judgments regarding the numbers of special services or programs could then be made by the superintendent of schools, with local input. Control and supervision could be exercised at the state or Federal level by requiring the provision of program plans which would have to be approved by the State Superintendent of Schools before funding could be assured.

Maryland State Department of Education
Division of Instruction
Office of Special Education



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Focuses on educational programming (directed) toward individual learning strengths rather than a categorical label by handicap.

A descriptive assessment indicating a child's learning strengths and weaknesses provides useful information to the teacher responsible for planning an appropriate remedial program. Such descriptive data embraces the philosophy that the child's individual needs are of primary importance. Labels resulting from etiologic diagnosis often obstruct the learning potential of the child and frequently create a negative attitude on behalf of the teacher and the pupil.

Provides financial incentive to local school systems to increase the variety of programs and services for handicapped children.

Disbursement of State aid is based on the program in which the child is enrolled to meet his needs at a specific point in time, rather than on a per-pupil basis by handicap label which has proliferated self-contained special classes. Funding based on the program basis reduces the average cost per pupil, and the savings can be utilized to serve a greater number of children needing special services.

Provides for a more effective and efficient model for delivery of services.

The Continuum concept proposes a more flexible organizational pattern. It allows a child to move from one program to another along the continuum of services, depending upon his individual needs, while maintaining affiliation with his peers in the regular school classes. This pattern also has an inherent adaptability for meeting the crucial manpower shortage through the deployment and improved utilization of highly specialized professional personnel.



Program I — Consultant Services

Prevention, early identification, and intervention of actual or potential problems which may interfere with learning and adjustment are the primary objectives of this program. Psychologists, pupil personnel workers, nurses, guidance counselors provide consultative services to parents, teachers, and pupils before the problem becomes a major handicap.

I**Program II — Diagnostic Prescriptive Services**

Children exhibiting a learning problem are referred to the diagnostic prescriptive teacher for an educational assessment. An educational prescription is developed based on the child's learning profile and appropriate placement is determined in cooperation with other professionals. The diagnostic prescriptive teacher interprets the learning profile, suggests methodology, prepares and demonstrates materials to be used in the remedial process, and provides continuous follow-up and supportive services.

II

Program III — Itinerant Services

Included in this program are group and individual services provided to children by itinerant specialists. While they remain in the regular classroom to receive the bulk of their education with the rest of their peers, those children with visual handicaps, speech, hearing, and/or language impairments may receive services such as special instruction, therapy, and counseling. The itinerant specialist serves as a consultant to the teachers in other Continuum programs and demonstrates appropriate materials and techniques used in working with children having vision, speech, hearing, and/or language handicaps.

III**Program IV — Cooperative Services**

The child assigned to a resource room spends part of the school day in the resource room receiving special tutorial assistance and the remainder of the day in the regular classroom. He remains on this schedule until the problem is minimized and is returned full-time to the regular classroom. If progress is not evident, the child is referred back to the diagnostic prescriptive teaching program (Program II) for reevaluation.

IV**Program V — Special Class Services**

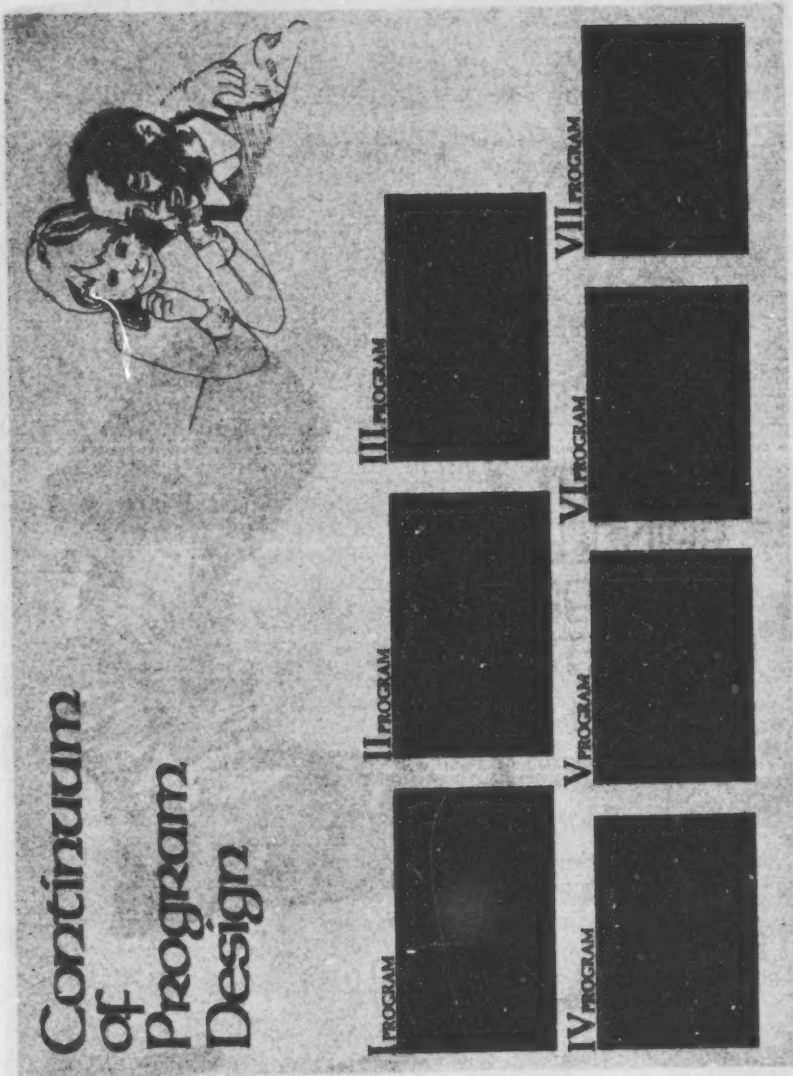
Special education classes in the public schools.

V,VI,VII**Program VI — Nonpublic Special Day Classes**

Nonpublic special day classes and home-hospital teaching programs.

Program VII — Residential Services

These three Continuum programs provide for educational programs and services for severely handicapped children who require major modifications in curriculum which cannot be accommodated for even a portion of the day in the regular classroom.



DO NOT
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MUTILATE



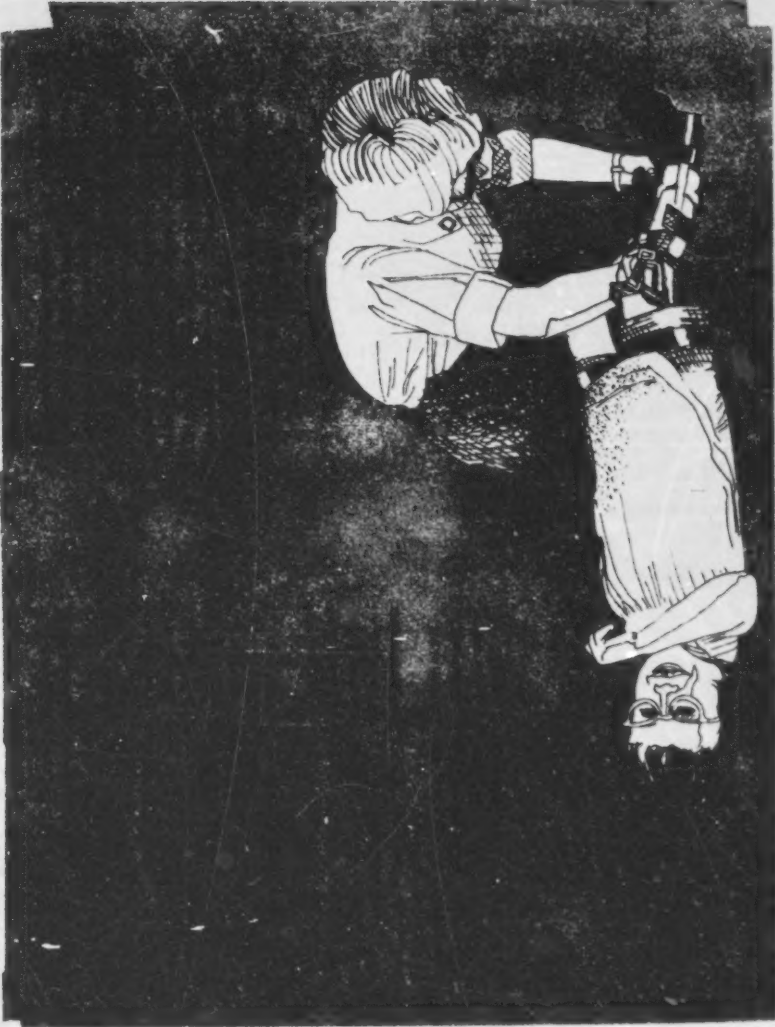
DSH The Data System for the Handicapped (DSH) is a unique venture incorporating six Maryland State agencies in an effort to plan and provide coordinated services for handicapped children. It is designed to gather and correlate pertinent information for the participating agencies.

The Maryland DSH grew from a recognition that six State agencies were charged with the responsibility of developing programs and providing services for handicapped children (ages 0-21). While each of the agencies has a different means of identifying a handicapping condition and defining the services they provide, they are still dealing with a handicapped child.



Although it was suspected that children were receiving duplicate services in some areas, it was apparent they were not receiving needed services in other areas. These problems were further compounded because each agency was not aware of all the services and programs offered by the other agencies. For a number of years, attempts were made to improve communications between agencies by reducing duplications and planning for needed services. The Data System for the Handicapped was designed and developed by the Maryland State Department of Education, Division of Instruction, in conjunction with five other State agencies. DSH has succeeded in developing a spirit of cooperation between these agencies, while supplying them with data about existing programs as well as projections for future planning.





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planning purposes, as for immediate program development, the implications of this system are essentially far reaching.

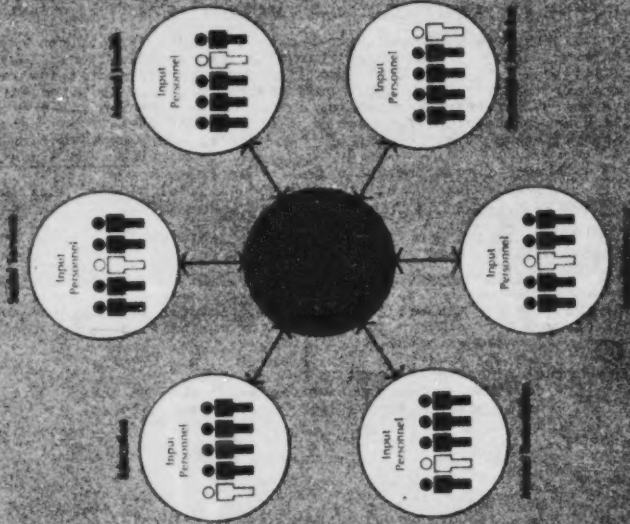
The DSH method has proved successful during pilot testing in Maryland and has been adapted to Statewide implementation during its second year of operation. During that year, the DSH will collect pertinent data about the handicapped population (ages 0-21) in Maryland. In addition, the DSH has developed plans for applying the same process of development to a system for early identification of handicapped children.

Of additional interest, the developmental model of the DSH is completely transportable. Other states and/or local agencies can incorporate this system to serve interagency needs within their spheres of responsibility.

The State of Maryland Data System for the Handicapped was initially funded through a grant under Title VI-B of the Elementary and Secondary Education Act, U.S. Office of Education.



DATA SYSTEM FOR THE HANDICAPPED



Participating Agencies
 Maryland State Department of Education
 Department of Juvenile Services
 Department of Mental Health
 Mental Retardation Administration
 Penitentiary Medicine Administration
 Social Services Administration

computerization, including an
 explanatory film and staff personnel.
 It available by contacting
 Maryland Data System for the Handicapped
 Maryland State Department of Education
 Division of Information
 P. O. Box 3775
 Frederick, International Airport
 Baltimore, Maryland 21240
 (301-794-8300, Ext. 467)

Published by
 Maryland State Department of Education
 Dr. James A. Sarantakou, State Superintendent

Division of Research
 Dr. F. C. Heston
 Assistant State Superintendent for Research
 1975

A Division of Research

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STATE OF DELAWARE
DEPARTMENT OF PUBLIC INSTRUCTION
DOVER, DELAWARE 19901

BERNETH C. MAGDOEN
STATE SUPERINTENDENT

ADVISORY COUNCIL
FOR EXCEPTIONAL CHILDREN
1508 Emory Road
Wilmington, Delaware 19803

RUSSELL L. BROOKS
HOWARD E. COX
JOHN J. STAN
ASSISTANT SUPERINTENDENTS

April 4, 1973

Mr. Jennings Randolph, Chairman
Subcommittee on the Handicapped
New Senate Office Building, Room 4230
Washington, D.C. 20510

S. 6, The "Education for All Handicapped Children Act"

Dear Mr. Randolph:

Delaware, as in many states, is providing education for handicapped children by statutes that have been developed piecemeal. As a consequence, many needs cannot be met or even planned for because no provisions were made or restrictive legislation exists. A federal mandate and funding should provide major means towards correcting these omissions.

A November 1972 survey showed that of 134,317 children enrolled in Delaware, 5,490 children are receiving special education. However, an additional 2,689 have been identified as needing special instruction but are not receiving it. Thus, only one out of three is being adequately served. There are many reasons as may be seen on the attached survey. Four reasons account for eighty percent and of these, one accounts for approximately forty percent of those denied a proper education:

	No. of Students
• Legal limitations on units for learning disabled or socially and emotionally maladjusted	1,168
• Identified and awaiting evaluation	473
• No special education program available at pupil's level	395
• Classroom space unavailable	192
	<u>2,228</u>

Clearly, we see the need to remove the statutes limiting the number of classes for children having learning disabilities and social and emotional maladjustments.

Other educational needs to be met are:

- vocational education specifically fitted to the needs and abilities of all handicapped children

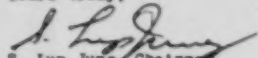
Mr. Jennings Randolph

- 2 -

April 4, 1973

- . Strong regional diagnostic centers servicing all handicaps, working with the local districts and the parents
- . Multiple handicapped children oftentimes are not adequately provided for or placed because existing services are so specific
- . More programs for teacher in-service training and material centers.

Yours truly,



S. Lap Jung, Chairman
Advisory Council for
Exceptional Children,
State of Delaware

CC: Ms. Lisa Walker
Mt. Carmel Diagnostic Center
17 Mulberry Street
Newark, New Jersey 07102

DPI
Planning Research, Evaluation Division
Nov 1972

SUMMARY TABLE B
HANDICAPPING CONDITION AND REASON FOR NONPLACEMENT BY NAME ORDER

Number of Children Deprived of Special Education Opportunities (Rank ordered by Handicap)	Number of Students	Reasons for Nonplacement in Special Education Classes (Rank Ordered by Number not Placed)	Number of Students
1. Socially and Emotionally Maladjusted (SEM)	922	1. Legal limitation on units available	1,168
2. Learning Disability (LD)	854	2. Identified and awaiting evaluation	473
3. Educable Mentally Retarded (EMR)	567	3. No special education program available (at students' level)	395
4. Unclassifiable at This Time (Other)	271	4. Classroom space unavailable	192
5. Hard of Hearing or Partially Deaf (HH/PO)	27	5. Diagnosed and awaiting placement	123
6. Orthopedically Handicapped (OHTH)	19	6. Certified teacher unavailable	105
7. Partially Sighted (PS)	12	7. Qualifying data incomplete	82
8. Trainable (TR)	10	8. Parent resistance	34
9. Blind (BL)	7	9. Unclassifiable at this time (other)	35
		10. Lack of a major fraction for a unit	27
		11. Child resistance	20
		12. Placement in progress	8
		13. Teacher objection	6
		14. Unable to attend school	1
TOTAL	2,689	TOTAL	2,689

Dept. of Public Instruction, Dover, Delaware



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
 MAYOR'S OFFICE FOR THE HANDICAPPED

EDWARD A. MORRISON
 Deputy Mayor-City Administration

EUNICE FLORITO
 Acting Director

230 BROADWAY
 NEW YORK, N.Y. 10007
 Telephone: 361-0971

MAYOR'S OFFICE FOR THE HANDICAPPED

Statement by Eunice Florito, Acting Director, in support of S.6/H.R.70

Distinguished ladies and gentlemen, I am Eunice Florito, Acting Director of the New York City Mayor's Office for the Handicapped. This Mayor's Office for the Handicapped, the only one in existence in the U.S. was created by Mayor John V. Lindsay on December 20, 1972 and is located within the Office of the Deputy Mayor, City-Administrator Edward Morrison. The primary purpose of this Office is to serve as Advocate for the estimated 1,000,000 persons who are handicapped residing in N.Y.C. It is in the capacity as representative of the Mayor, and as director of this Office that I testify here today.

I wish to present my strong support for S.6 and its companion bill H.R.70. This legislation would guarantee that all handicapped children receive an education.

It has long been an admirable tradition of this country to provide an education for our children. The nation has consistently strengthened that tradition by enacting laws which require that an education be offered to all. In recent years it has become the law of the land that all students have the right to not only an education, but an equal education. On August 1, 1972, the courts clearly ruled that the constitutional right to a public education unquestionably includes handicapped and emotionally disturbed children. I am referring to a decision made by Judge Joseph C. Waddy of the U.S. District Court in the District of Columbia.

I was shocked to have my fears substantiated by reading in the Congressional

Record of Thursday, January 4, 1973 that: Of the seven million handicapped children in the United States almost 60% are not receiving the educational programs they need. This sad fact directly contradicts the values and the laws of our nation. The present situation is even worse than it appears when one examines individual states or considers specific disabilities. "In 19 States, 31 percent or less of the (handicapped) population was being served (in the 1971-72 school year). In 30 States, less than 11 percent of all emotionally disturbed children are provided educational services."

PART 2

Clearly we have a crisis on our hands. The United States is failing to meet its moral and legal commitment to provide an education to all handicapped children. The State governments bear the brunt of the burden in providing educational services. I need not tell you that the states lack sufficient funds to completely fulfill this responsibility. Revenue-sharing dollars face hundreds of constraints, for revenue-sharing must help finance numerous programs. It is, therefore, blatantly obvious that the Federal Government must provide substantial financial assistance to the states for the education of handicapped children. Fortunately, S.6 and H.R. 70 provide for such assistance.

Under S.6 and H.R. 70 the Federal Government would underwrite 75% of the excess cost required to educate the handicapped child; and, most importantly, it would be guaranteed that every state provide a free and appropriate public education to all disabled children. This legislation is also commendable because:

- * it relieves the presently unfulfilled fiscal burden the states encounter;
- * it assures that handicapped children will have their individual needs met;
- * it authorizes the granting of funds beginning with the fiscal year beginning July 1, 1973;
- * it requires states to identify its handicapped children and the services they need;
- * it promotes the deinstitutionalization of children;
- * it includes pre-school children and students enrolled in private schools;
- * it stipulates that the Federal funds be used to supplement and not supplant state and local funds;
- * it encourages the educational integration of handicapped and non-handicapped children;
- * it creates an Advisory Board whose membership would include handicapped individuals;

In the current academic year approximately 30,000 children with a variety of differing and/or multiple handicapping conditions and 50,000 children with severe speech problems are being served in the Bureaus for Special Education of the N.Y.C. Board of Education. Of these 30,000 children with handicapping conditions being served by the Board of Education, approximately 4,000 are on home instruction. If funds were available, more than 2,000 of these children who should be in an actual school setting would be able to have this greatly needed educational and social experience. It is further estimated that there are 10,000 children having severe learning disabilities who could benefit from special services in education if funds were available.

Approximately 4,000 children are currently being served in private and special schools for handicapped children within N.Y.C. These are children who for a variety of reasons cannot be educated under the existing

PAGE 3

programs for special education of the NYC Board of Education. Although restricted funds have been appropriated under Section 4407 of Chapter 89 of the New York State Code, these funds are insufficient to cover the cost for special education for many of the handicapped children. As a result, parents must either be burdened with additional financial responsibilities for payment for this education, or they must resort to an action in the family court.

New York City receives from New York State the same amount of money for educating a handicapped child as it does for educating a non-handicapped child. The extensive difference in cost of educating a handicapped child, ranging from \$3,000 to \$10,000 per year per child must be made up of funds of New York City. In areas throughout New York State, with the exception of the big six cities, the state reimburses 65% of the cost of special education through the programs of the Boards of Cooperative Educational Services. New York City and other large cities of this state are therefore, in fact, discriminated against in the financing of education for the education of Special Children. In reality, therefore, these handicapped children are being discriminated against.

It is embarrassing that in 1973 we should even have to consider legislation such as S.6 and H.R. 70. The United States should long since have been providing the educational services which the implementation of these bills would render. However, our past mistakes should be admitted and corrected. I call upon the Senate and the House to pass this legislation in order that the United States will be able to allocate its resources to meet its obligations for educating our Special Children.

Thank you.

EF/cs

(Above statement prepared for Senate Hearings
in Newark, N.J. on 4/9/73.)

OFFICE OF THE MAYOR JOHN V. LINDSAY CITY HALL NEW YORK CITY

Tel: 562-5090

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For Immediate Release
December 20, 1972

Mayor John V. Lindsay announced today the formation of the Mayor's Office of the Handicapped to serve as advocate for the City's estimated 1,000,000 mentally and physically disabled.

The new Office is the nation's first governmental unit for the Handicapped to be located within the Office of the Chief Executive.

The Mayor revealed his intention to form the new Office last night before a group of more than 100 representatives of voluntary agencies engaged in delivering services to the handicapped. He stressed that the success of the new Office would hinge on the participation of all agencies involved in a cooperative effort to meet the needs and aspirations of the handicapped.

The meeting was held in the Office of the Deputy Mayor-City Administrator, Edward A. Morrison, where the Office will be located.

The new Office will address the problems of the handicapped related to health, employment, architectural barriers, transportation, income maintenance, institutional care, civil rights, job training, and research.

To accomplish these goals the Office of the Handicapped will develop city and state legislative programs, and review and recommend federal legislation; coordinate existing programs and plan and promote new programs; serve as consulting resource to public and private agencies in the development of their individual programs; offer direct services to the handicapped through a new Information and Referral Service; attempt to locate the estimated 100,000 handicapped who are unable or do not know how to seek help; engage in policy analysis of existing programs.

Mayor Lindsay said:

"With the establishment of the Office of the Handicapped, New York City reaffirms its position as world center for care and concern of the handicapped. The new Office will provide the political clout to assure this minority group the dignity, the rights and the opportunities it so justly deserves.

"While the State and Federal governments have repeatedly turned their backs on the needs of the handicapped, New York City has refused to accept the alternative of allowing the needs, the rights and hopes of its less fortunate citizens to go unmet.

"The Office of the Handicapped not only will serve as a model to governments on all levels nationwide, it will be a source of hope to the handicapped who can look to its city government as a compassionate ally.

"I have directed the Office to complete preparation of a Bill of Rights for the Handicapped which will unequivocally articulate a new commitment toward realizing the promise of equal opportunity for the handicapped."

Deputy Mayor Edward A. Morrison who presided at the meeting said:

"The Mayor's Office of the Handicapped will work for the realization of a new Bill of Rights for the Handicapped. The 100 Organizations dedicated to this goal will act as an advisory committee to the new Office. (List of organizations attached) Special sub-committees of voluntary organizations will be set up to deal with specific problems."

(more)

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The Mayor's Office of the Handicapped replaces the Mayor's Advisory Committee on the Handicapped created in 1968.

Mrs. Eunice Fiorito, handicapped by blindness since age 11, will serve as Acting Director of the new Office. Mrs. Fiorito formerly served as Acting Director of the Mayor's Advisory Committee and Assistant Director for Psychiatric Social Work and Rehabilitation at New York University Bellevue Medical Center.



UNITED CEREBRAL PALSY ASSOCIATIONS OF NEW JERSEY • 222 WEST STATE STREET • TRENTON, NEW JERSEY 08607
(609) 695-6277

April 6, 1973

Senator Harrison A. Williams, Jr.
Suite 352
Old Senate Office Bldg.
Washington, D. C.

Dear Senator:

Mr. Howard Blackman, Chairman of N. J. Inter-Agency for the handicapped will give testimony in Newark on the 9th as spokesman for all non-profit health agencies in New Jersey regarding S-6.

But because of the multiple disabilities arising from Cerebral Palsy, I request that this statement be included in the record.

We heartily endorse the spirit and substance of your legislation; out of basic morality and court precedent.

Our philosophy is that a child with a problem (especially the handicapped) is going to do better in a "normal" atmosphere. We may be for special classes, but not special schools - where at all possible.

May we especially recommend to you the following observations:

1. Under Sec. 3 (1): We favor the broadest possible language to include interpretation the maximum of mentally, physically or orthopedically, and emotionally handicapped. The use of the word "crippled" we would like omitted. We think broad language would favor our more severely involved clients.

If a "laundry list" is necessary, we urge that "cerebral palsied" be included. It is a fact that the mention of cerebral palsy causes many to run the other way. Although some of our clients are too severely involved for inclusion, there are thousands who we fear will not be served if the explicit mention of cerebral palsied is not added.

2. We question the accuracy of TABLE I (vis. North Carolina vs. New Jersey vs. Alaska vs. California). Although we don't have hard statistics,

Julius E. Pollerbach, Esq.
Chairman of the Board

Carl W. Elsh
President

Warren F. Shaw
Vice President

John L. Gault
Vice President

Robert J. Murphy
Vice President

Andrew V. Varnum, Jr.
Treasurer

Paul A. Schenk, Jr.
Secretary

Corvallis F. Bell, Jr.
Executive Director

- 2 -

the estimates seem fuzzy.

5. We favor private educational facilities being included ineligibility as well.
4. Training of teachers should be a proviso, on the graduate level.
5. Professionals should be required to keep up-to-date as part of accountability.
6. As to whether the parents should know entire and specific evaluation, (in frightening medical terms to the laymen) we doubt. We have discovered among the urban and rural populations as well that many parents just can't take it. The necessary language frightens them and they give up. Treatments change and a potential is lost in many cases. The study team certainly should explain and make clear their evaluation at that time, but we believe those professionals should interpret their findings to the parent to insure maximum client progress and parent cooperation.
7. As to the below 5 year population we would want doctors, hospitals, and Departments of Health to evaluate in cooperation.
8. Sec. 7: We favor an Advocacy Council for evaluation and up-dating including:
 1. Appropriate professionals from Health Depts.
 2. Appropriate professionals from Education Depts.
 3. Parents.
 4. Handicapped individuals.
 5. Professional groups other than state agency people.

We do hope that interpretation will be that the bill applies from "age zero" to age 21 - open ended.

Our most sincere thanks to you for opening up the process and enabling us to make our views known.

Very truly yours,

Neil Bell
Neil Bell, Executive Director

WB/mmc

cc: Elsie Helsel, Ph. D., Washington Representative, UCFA, Inc.

TESTIMONY OF HOWARD PHILIP BLACKMAN, CHAIRMAN OF THE
NEW JERSEY INTER-AGENCY COMMITTEE FOR THE HANDICAPPED,
PRESENTED TO THE SUBCOMMITTEE ON THE HANDICAPPED,
COMMITTEE ON LABOR AND PUBLIC WELFARE, UNITED STATES
SENATE HEARING ON S-6.

April 9, 1973,

The New Jersey Inter-Agency Committee for the Handicapped is a coordinating body of several non-profit organizations in our state concerned with rights of our handicapped population. Member organizations include the New Jersey Association for Children with Learning Disabilities, Spina Bifida Association of New Jersey, Easter Seal Society for Crippled Children and Adults (New Jersey Chapter), New Jersey Association for Mental Health, New Jersey Council of Organizations and Schools for Emotionally Disturbed Children, New Jersey League for the Hearing Handicapped, New Jersey Welfare Council, and the United Cerebral Palsy Associations of New Jersey.

As Chairman of the Inter-Agency Committee, I am pleased to testify in support of Senate Bill Number 6, "Education for All Handicapped Children Act." There is enough documentation before your subcommittee which suggests that there are millions of handicapped children being denied their right to free public education for a variety of reasons, none of which are acceptable to the consumer groups represented on this committee. I would like to discuss a number of things that are of vital concern to our efforts in New Jersey in obtaining appropriate educational opportunities for all children.

The access to a free, appropriate education for the handicapped is all too often mandated by the severity of the handicap, how old you are when identified, where you live, and how persistent parents are when demanding basic services from their local education agency. For example, access to education in our state is more equal for children between the ages of six and twelve than it is for all other groups. It is widely accepted that earlier we identify handicaps and intervene with appropriate educational therapy, the greater the chances are for rehabilitation. The Federal government has made heavy

financial commitments in establishing experimental model pre-school centers with outstanding results. And yet, in the state of New Jersey, less than 5% of identified handicapped children below the age of 5 years are receiving any form of education. The gap between what we know to be absolutely crucial to rehabilitating young children and what we are actually doing is devastating. Devastating not only in terms of human waste and suffering, but in fiscal irresponsibility which will be documented later.

Under existing education laws in our state, all handicapped children between the age of 5 and 20 have a right to a free public education. There are 2,000,000 children enrolled in school programs in our state. Using conservative guidelines, it is estimated that 10% of this school age population are mentally or physically handicapped. That means again conservatively, that there are 200,000 handicapped children in New Jersey. Since Urban areas have a much higher incidence of handicapping conditions, we believe that there are closer to 300,000 handicapped children. There are no more than 125,000 identified handicapped children enrolled in educational programs. Again, a devastating gap.

We stand before you today testifying in behalf of S-6 because it represents the only way to insure that all of our handicapped children receive the help they need. We can no longer rely on tax reform in our municipalities. We have waited too long. As Senator Williams said in his address of January 4, 1973 to the United States Senate, our charitable attitude toward the education of handicapped children would be rejected flatly if we were talking about any other groups of children. As it is, our handicapped children pay a price even when being educated: often being segregated from their peers, being transported in buses which somehow identifies them as being different, of

being in school for a shorter period each day, being denied art and music experiences, and so on. The price is high, but we in the past were willing to pay these prices, for any form of education. We are no longer willing to pay our dignity.

In S-6, we find a federal commitment in public law that our government recognizes the right of all handicapped children to a free public education. Many mandates in S-6 have been advocated by consumer groups for many years. Notable among them is parent participation in the decision making process of deciding on the appropriateness of an educational program. The professionals admit that they do not have all the answers. That has not been reflected in our due process procedures. Parents have felt that due process hearings have not been impartial. The rules and regulations of our state legislation regarding education permits parents to "an appropriate interpretation" of school placement decisions. This usually means that administrators orally explain their decisions in brief sessions. Many parents who ask for written interpretations of the evaluation process have been refused under the guise that they would be unable to understand evaluation procedures. Often parents leave such meetings more confused than when they began. S-6 would mandate that parents would have access to individualized written programs. More important, this written program will include a statement of long range goals and objectives related to the attainment of such, together with projected dates for initiation. We totally support this accountability of our schools. Very few parents are aware of the educational objectives that their teachers have for their children. We suspect that there are many teachers who are also unaware of these objectives.

For those who are concerned with the cost of providing appropriate educational programs mandated by S-6, we ask this question: How much did it cost our society not to provide such services? We maintain that early intervention, which gives our handicapped the opportunity of being providers and not consumers in adulthood, is far less expensive than custodial services (which means doing nothing), which is the high price we pay for doing nothing. We invite you to examine the cost/benefits involved: no one has accused our large state institutions of being economical. No one has suggested welfare alternatives of being economic solutions. And yet, those are the alternatives of non-education. We are suggesting that S-6 is an investment in human capital. We suggest that is fiscally more responsible to view S-6 not as a mere expenditure, but investments which produce substantial returns.

If the cost of S-6 appears to be high, consider the cost of not implementing S-6; increases in welfare, institutionalization, unemployment, underemployment, and other pathologies. It should be clear to all human growth and development practitioners that we pay a terrible price in both dollars and human anguish by failing to adequately perform our responsibilities.

Inter-Agency delegate Robert E. Weber (Office of Planning, New Jersey State Department of Education) has presented a most persuasive case on the economics of handicapping conditions. To conclude our testimony, we would like to attach to our testimony a recent article authored by Dr. Weber called "Amortization Schedules in Human Growth and Developments Investments: The Case for Social Mutation." His paper reinforces what we all know, but many (including our President) have chosen to ignore: that the cost of not educating,

not rehabilitating, and not caring have increased levels of social pathologies enumerated in the previous paragraph. The New Jersey Inter-Agency Committee for the Handicapped supports S-6 as a fiscally sound alternative.

Amortization Schedules in Human Growth and Developments Investments
The Case for Social Mutation*

By

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*Presented to the Governor's Developmental Disabilities Council

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PREFACE

Decision makers, policy makers, and influential special interest groups typically view many appropriations for programs that will help the poor, the handicapped, social deviants, etc. as mere expenditures and not as investments which produce substantial returns. This paper sets forth several cases which illustrate that people can be an attractive form of investment and suggests that the further we move into the future, human abilities--work, creativity, resourcefulness, imagination--may dim the importance of what had heretofore been thought of as our nation's primary resources.

No attempt has been made in this paper to calculate the dollar value of such "intangibles" as increases in I.Q., and self-image, and family and individual stability. We look only at the size of an investment, the amount of earnings (or, in some cases, savings) which offset the investment, and the rate at which that occurs.

The underdeveloped human being is often a minus sign in front of the Gross National Product and Taxes Paid columns, is often an inordinate user of services (e.g., mental health, welfare), is sometimes socially disruptive, and is subject to private agonies for which no costs can be fixed--all conditions which cry for investment.

As nature's resources are depleted, the quality of those resources diminishes and the cost of fabricating those resources increases. It follows that investment opportunities in that sector are becoming less attractive.

In addition, there are several untoward aspects of "steady state" in our society. For example, schools assign kids "futures" or places in the pecking order based on such factors as race, family income, level of parental education, school performance, and so forth. Moreover, these "futures" tend to be cyclical--that is, if your father was a migrant worker, the chances are that you will be a migrant

and your children will be migrants. Thus, it seems apparent that the shift toward re-cycling natural resources must be accompanied by a shift away from re-cycling human beings (except, of course, when recycling involves skill upgrading or retraining).

As traditional investment opportunities attenuate, the national pool of available^a investment funds must couple with new opportunity structures to maintain its wealth-creating activities. Our experience with the G.I. Bill (now amortized several times over) and a host of other human growth and development programs point to the underdeveloped human being as an investment priority. The underdeveloped human will cost us a lot if we do nothing to develop him (e.g., welfare) or if we do only a little to develop him (e.g., custodial care); if on the other hand, we invest in developmental programs that enhance his life, his productivity, and his income, we will profit from our endeavors.

^a The term "available" is somewhat of a misnomer. The insurance companies, for example, are faced with the problem of finding ways in which to invest the several millions of dollars they receive daily in premiums.

J.
Man has created a world
in which mankind itself
is the crucial environment.

Phillip M. Hauser

Those who make major decisions and formulate basic policies in the American economy have arrived at the point where it is becoming increasingly apparent that past methods of creating and distributing wealth are no longer of maximum appropriateness. Dennison¹, for example, maintains that increases in the numbers educated and increases in levels of educational achievement (i.e., investments in human capital) accounted for 23% of the growth in real national income from the beginning of the Depression until 1957. The increase in capital outlay, on the other hand, accounted for only 15% of such income. Normally, social and technological change offer a greatly increased choice in the kinds and amounts of our investments. In materials development, for instance, as distinct from human growth and development, there are certain areas where we do not have much choice. Copper mining is a case in point. In 1900 we processed ores containing 5% copper; by 1950 the copper content had dropped to .9% and estimates are that we will continue to process ore even when the copper content is down to .1%². In the area of human growth and development, we are also limited in choice by certain necessary investments. Dr. Leo Dulbridge, President of the California Institute of Technology, provided an example in quite individual terms.

"There is one staggering fact which we must keep in mind; education in America today is an enormous enterprise--so enormous, in fact, that of all our institutions and activities only the federal government itself exceeds it in size. We are spending some \$27 billion a year on our schools (excluding our colleges)--an average of \$532 per year for each of the 50 million pupils enrolled. This means an average contribution of \$360 a year for every employed person in the country. Even a very modest program of improving our schools would cost another \$3 billion a year, or another \$40 per employed person. Yet in the next few years we

must surely double our school expenditures--adding another \$300 to \$400 a year per person."

In general, however, it should be kept in mind that social and technological change generate new needs, new resources, new priorities, and new techniques for solving problems. The phenomenon of evolving social and technological change often makes for greater choice in terms of investment possibilities and greater investment opportunities as measured by the size of the investment relative to the size of the payoff and by the rapidity of the return on investment.

Given the range of choices available to us as investors in the area of human capital--entrepreneurs who conduct growth and development interventions--there are a number of "guide statements" which should be kept in mind. Many of these considerations may not hold up in all cases and the following list is certainly not all-inclusive:

1. Early intervention is cheaper and more effective than tardy intervention (e.g., pre-school programs).
2. Piggyback interventions (tacking a new intervention on to an existing program) are attractive in terms of cost/payoff (e.g., a public school remedial reading program).
3. Additional investment increments must be added (e.g., in the corrections field) where the size of the original investment (cost/person/year) was simply not enough to get the job done.
4. Investments must sometimes be made with long-term savings rather than "profits" as the goal (e.g., the area of mental retardation).
5. Chronic dependency is a primary area of intervention (shifting from maintenance to coping, as in training for welfare mothers).
6. Preventive interventions (e.g., immunisation) are cheaper than treatment interventions (polio hospitals).
7. Areas of underinvestment (e.g., early learning programs for the handicapped, adult illiteracy, birth control, corrections) produce attractive payoffs.

8. Developmental interventions, whenever possible, are to be greatly preferred to mere custodial care expenditures (e.g., cognitively oriented pre-school rather than of a day care babysitting nature).
9. Some investments (e.g., eye glasses, screening for phenylketonuria, immunising against rubella) produce payoffs fantastically out of proportion to the size of the investment. Moreover, amortisation sometimes begins at the moment of intervention, producing both instant savings and "profits."

The examples provided in the "guide statements" above are typical human growth and development activities. These interventions, or, more properly speaking, investment opportunities, all have pre-determined price tags, fairly specific investment returns (i.e., outcomes as measured in dollars), and generally measurable rates of return on investments (i.e., amortisation schedules). These three ingredients—cost, payoff, and recoup rate—are always overlayed on a grid containing such items as moral impetus, management science considerations, necessary sequences, shifts in priorities, and the simple constraint of what is do-able in terms of public pressures. Thus, for example, the conquest of outer space became a priority and the conquest of inner space became a backburner item; the day care bill was scuttled and a massive attack on cancer was mounted.

In any event, the idea of investment in human capital (and the attendant short amortisation schedules) remains an attractive argument (and economic tool) in the armamentarium of human growth and development investment strategists. This can be illustrated by examining a few typical cases.

Case #1 - Occupational Training Program for the Mentally Retarded Educables
(Competitive Employment)

The mentally retarded may always be with us, for we are up against an inexorable epidemiology and a sloppy state-of-the-art of prevention. A retarded child is born every five minutes (126,000/year) and out of every 600 births, one child is a mongoloid.⁴ These are facts we can't ignore. Nor can we ignore

several other facts: 1) "An estimated two million retarded persons capable of learning to support themselves need job training and placement services. Even at minimum wage, these individuals have a potential annual (underlining mine) earning capacity of \$6 billion."⁵

We can establish amortization^{*} figures for the mentally retarded, but these are dependent upon the developmental potential of the individual learners involved and the differential training costs. Thus, if development costs are \$2,500/learner/year, turnaround^{*} may be achieved in less than one year; if they are \$4,000/learner/year, turnaround could take 1.4 years or more. In the case of the more severely retarded, where the training program might last, say, four years, the turnaround figures would be multiplied by a number less than four, since there is some productivity in the sheltered workshops that are a part of the training program.

Where applicable, we can crank into our computation other dollar data, such as welfare savings. However, as was stated earlier, no attempt has been made to quantify such "intangibles" as the lessening of socially disruptive behavior, increases in family stability, personal satisfaction, etc.

It should be mentioned in passing that programming for the mentally retarded in schools is an area of chronic underinvestment. For example, "Half of the nation's 25,000 school districts offer no classes for pupils having special learning problems. Many of the existing special education classes do not offer retarded students opportunity to learn and achieve to their full capacity."⁵

Lastly, there is another aspect of developing the mentally retarded which is deserving of comment and that is the possibility of quantum jumping. We know that through intensive teaching and educational technology we can effect I.Q.

^{*}The terms "amortisation" and "turnaround" are used interchangeably in this paper.

increases. Now, consider the following spectrum:



The shaded sections represent persons in the upper end of each category in whom we were able to produce I.Q. gains of five to ten points,^{*} thereby enabling them to switch categories. At one extreme, in some cases, we will be saving lifetime costs of institutionalization on the order of \$150,000 to \$200,000; in other cases, we may be able to increase the dollar value of lifetime productivity by 30% or more.

Case #2 - Vocational Training Programs For Handicapped Youths

An early study of a Manpower Development and Training Act program by Cornelson⁶ (where N=13,000) parameterized the program as follows:

1. Pre-program penalty costs (unemployment compensation and welfare payments) amounted to \$3.5 million, which were turned into savings as a result of training.
2. Developmental or Investment Costs:
 - a. Training costs were \$6.4 million
 - b. Training allowances (household heads and farmers who earned less than \$1,200/year) amounted to \$6.3 million
 - c. Transportation and other subsistence allowances amounted to \$653,000. (Total developmental costs came to \$13.3 million for the 13,000 trainees, or \$1,045/Trainee.)
3. The program incurred penalty costs of 20% due to dropouts.
4. Of the remainder, 70% found jobs immediately (30% later) and it is the earnings of the 70% who were immediately employed on whom the return on investment is based.

^{*} We can effect even larger I.Q. gains among ghetto residents, children in orphanages, etc. in whom "retardation" is environmentally induced. This also applies to the 20%-25% of those institutionalized who have been misdiagnosed as retarded.

5. After the 70% (7,111) had worked 24 weeks, they earned \$13.7 million—that is, training took roughly 0.4 years; turnaround, as measured only by gross income and not taking into account prior minus signs in the income tax and GNP columns during training, took less than .87 years.
6. Cornelson maintains that other indices show the following:
 - a. In income tax alone, the trainee repaid the cost of his development in five years;
 - b. In one year of employment the trainee earned \$1,000 more than his training costs;
 - c. In five years the 13,000 trainees, achieved, per \$13.3 million invested, gross earnings of \$148 million.

Obviously there are other, more intangible factors here which are not easily measured, such as the progress from hopelessness to hope, from negative self-image to positive self-image, from unstable family to stable family, etc.

We recently analyzed the results of a vocational training program for handicapped/disadvantaged persons in a large urban area. Typically, the data were not expressed in ways that make for most convenient handling. Also, there are some apparent discrepancies (i.e.; training costs may be more than double those avowed). We begin, however, with some pre-program penalty costs—in this case, 3,600 men and women who would normally be on one or more forms of public assistance. The announced training costs are \$900/person, but, in reality, these costs may be in excess of \$2,200/person. Dollar equivalents of skill levels are not mentioned, nor are dropout rates or other forms of attrition (e.g., the "loss point" which occurs between registration and intake). The measure of success reported is the addition of some \$8 million a year to the city's purchasing power. The skill range in this program encompassed cosmetology, electronic assembly,

tool and die, sewing production, food services, sheet metal, etc. The arithmetic, as usual gets murky, but the turnaround average (keeping in mind the varying lengths of training sequences) is probably on the order of 10.9 months. The very flexibility of this particular training program complicates the arithmetic, since there is no concept of graduation. When a sheet metal trainee, for example, masters the 40-odd configurations of sheet metal work, he moves immediately into employment and a new trainee takes his place in the program.

One final observation must be made concerning most occupational training programs and that is, they all consistently underinvested in the pre-vocational (adult basic literacy) program component. A modest additional investment would enhance the worth of the individual trainee and would help the trainee acquire new skills more easily. Admittedly this would prolong turnaround, but it would produce a larger payoff.

Case #3 - Welfare Recipients Manpower Training

There is absolutely no substitute for development, including such welfare forms as guaranteed income. These programs, beset with inadequacies (minimal allowances, mal-administration, etc.), are non-developmental. They keep people on the dole and, in fact, undermine existing anti-poverty programs. The annual costs of welfare in the northeast range from \$1,800 to in excess of \$3,000/family. Moreover, many welfare recipients tend to be cases of chronic dependency. As a matter of fact, we have now succeeded in producing four generations of families who have never been off public assistance. The cost of four lifetimes of welfare, depending upon family size, could well come to over \$400,000. This is quite a price to pay considering that no betterment takes place. In fact, this program breeds an astounding array of other social and dollar costs—alcoholism, family instability, crime and delinquency, cultural deprivation, physical and mental illness, and the like. It is clear,

then, that chronic dependency will have to be grappled with by investors in human capital. However, before we can do so with any efficiency, certain policy changes will have to come about, such as the provision of day care services for female household heads, the elimination of "the man in the house rule," the identification of able-bodied recipients, the provision for adequate living allowances (rather than stacking the deck against the potential refugee from poverty), and the expansion of the neighborhood services of anti-poverty programs so as to give welfare recipients a better chance to cope with their unresponsive and hostile environments.

When these policy changes have been made, we, as investors are faced with training costs of \$1,000 to \$5,000 per trainee, the cost depending on the kind of training sequence selected and its duration, the amount of day care services involved, and so forth. One form of turnaround for this program is when the savings in unpaid welfare checks plus the gross earnings of the trainee equal the cost of training and related services. Let us assume the following:

- a) \$200/month in welfare payments saved (\$1800)
- b) \$400/month in training costs, including day care and living allowance (\$3600)
- c) A training sequence of nine months (\$3,600)
- d) A post-training income of \$300/month (\$3,600/year)

From the above, it is clear that turnaround takes place in slightly less than 1.5 years. We could further embellish this with additional calculations, such as those made by Cornelson in the previously cited work, but the basic point has been made. We should also reiterate that some extremely important "intangibles" have not entered into the calculations.

Case #4 - Confined Juvenile Delinquents

The problem of juvenile delinquency is becoming increasingly serious partly as a result of demographic phenomena. A recent Office of Education Report makes the point that, "the 15-to-17 year old age group represents only 5.4 percent of the population, (yet) it accounts for 12.8 percent of all arrests.... (and the) problem in the years ahead is dramatically foretold by the fact that 23 percent of the population is 10 or under."⁷ The current cost to the American taxpayer for confined juvenile offenders is \$150 million (more than \$3,000/kid/year).⁷

Let us consider the case of one institution for delinquents. The problems confronting this institution are fairly typical: it is undermanned, under-budgeted, has a treatment program which is less than totally effective, and has an unacceptable recidivist rate of 40% (N=264). The population at any given point is 660 and the annual cost/boy is \$3,400.

The most salient features of a new proposed program are as follows:

- o An expanded counseling staff to work intensively with the parents of the boys
- o VISTA workers to work with released boys in the sending communities
- o An educational program utilizing the latest educational technology (plus other educationally supportive components)

The basic goals of the program are to improve the circumstances of the boy in his home and community, to get the boy up to reading and grade level so he can achieve in school, and to reduce the recidivist rate. The first two goals are clearly tied to the third, the reduction of the recidivist rate, and it is this alone on which our turnaround arithmetic will revolve. Let us make the

following assumptions:

1. The new program will succeed in cutting the recidivist rate of the institution by one-half ($N=132$). This appears to be a reasonable assumption.
2. Of the recidivist boys ($N=132$), roughly 20% ($N=26$) will commit serious felonies resulting in detection, arrest, and court processing costs, etc. of \$15,000/boy (i.e., \$390,000);
3. The remaining 80% of the recidivist boys ($N=106$) will be re-committed for an additional year at a cost of \$3,400/boy or \$360,400.
4. The total cost of the new program will amount to \$262,700, or, depending upon the mode of program implementation, something on the order of \$400/boy to \$600/boy.

In view of the above schemata, where savings on the decreased recidivism amount to \$750,000 (i.e., \$390,000 plus \$360,000), the turnaround should occur, theoretically, in slightly less than 4.5 months. However, even though the institutional treatment program alone takes six to twelve months to be maximally effective, and since the VISTA community program may take the same length of time (maximum community treatment program time may require an additional modest increment of \$26,540), we still encounter the phenomenon which we observed earlier, namely, very early amortisation.

Case #5 - Drug Treatment Program for Convicted Felons

Narcotics addiction obviously keeps the vast majority of users in states of underdevelopment and engaged in activities that are criminal and socially disruptive. Though almost all users are felons, traditional long-term incarceration is both a costly and ineffective response to the problems of drug users. Community-based treatment programs, such as those of Marathon House, which is based in Providence, Rhode Island, appears to be a most effective and cost-feasible treatment approach.*

*Similar claims are made for methadone maintenance clinics but these programs are not dealt with here.

An examination of the records at Marathon House for a two-year period yielded the following information:

- o 176 were accepted into the program
- o 52 graduated (i.e., were successfully treated) (29%)
- o 108 split (61%)
- o 7 were expelled (4%)
- o 9 were still in treatment (5.1%)

The cost of the program is \$10.90 per day per resident (in actuality between \$4,000 and \$5,000 per year). The cost of one traditional institutional program, announced by the Providence Journal on March 26, 1972, is about \$15,000 per inmate or over \$41.00 per inmate per day. The Marathon House costs cover room, board, education and rehabilitation, medicine, clothing, urinalysis, recreation, and transportation.

Several other factors bear consideration. Of the splitees, over 60% split in the first 30 days (which puts the loss at the front end where little money has been expended, as opposed to the loss rate in prisons, where the loss is at the tail end, where many custodial dollars have already been expended. Of those graduating from the program, nineteen (36%) work for Marathon House with an expanded treatment population and fifteen (26%) work in other drug programs, constituting additional program impact. Of the remainder, twenty (38%) are either in education full time or in other employment. A two-year follow-up on the graduates shows two (4%) failures (one is back on drugs and the other defaulted on a loan).

Let us now take a closer look at cost factors. Viewing Marathon House as an alternative to traditional incarceration, we can say that typical costs for thirty days of incarceration would have amounted to \$1,230 per person. The Marathon House cost for thirty days is \$327, which yields a saving of \$903. Thus, for the 60% of the splitees who leave during the first thirty days (69 persons)—let us say they all leave on day thirty—the Marathon House program represents

savings of \$62,307 over the prison program. However, some of the 115 splitees will commit new felonies before being incarcerated, resulting in very high social and dollar costs. Had Marathon House opted for a rigorous screening system which accepted only low-risk offenders, the costs for the splitees could have been reduced to acceptable limits. As it now stands, the splitee costs are the price of experimentation.

The cost of keeping 176 persons (the number accepted into the Marathon House program) in prison for one year is \$2,633,840; the Marathon House cost is \$700,216, which shows a cost differential of \$1,933,624. The differential for two years, which is the average length of stay at Marathon House is \$3,867,248.

If we regard the cost of the splitees as representing a saving over the prison program, and disregarding the fact that some of the 39% who split between day thirty and day 730 may actually be successes, the cost of the graduates is \$230,753. The prison costs are much higher and for longer periods of time and the prison recidivist rate equals or exceeds the splitee rate. Let us go back now for another look at the rehabilitative payoff of the graduates.

A total of six graduates are in full-time education (read this as deferred income, with relatively higher future income expectancies). The number of graduates working in either Marathon House or other drug programs is 34 or 66% of the graduates. The graduates working in drug programs have an average annual salary of \$7,000 plus. Those in "other employment" have an average annual salary of \$8,000 to \$9,000 per year. It should be said here that both graduates and undergraduates work in certain prevention programs (i.e., Rubicon Coffee Houses) and helping programs (i.e., day care, mental health, and juvenile court programs) whose dollar value we have thus far been unable to compute.

With regard to program amortization, we can make the following statements:

- o The earnings of only those working for one-year in drug program alone amounts to \$238,000, which amortizes the costs of the two-year program for all the graduates in less than one year.
- o Those in "other employment" earn an above-amortization sum of \$119,000 in one year.
- o Those in the deferred income program (six in full-time education) will have an average annual salary of \$60,000.

Here again we have the phenomenon of very fast turnaround. We have not listed other tangible program benefits, such as the Marathon House Theater Group, which puts on anti-drug plays all over the country, nor "intangible" payoffs attendant upon converting despair to hope and wrecked lives to lives of promise. Taking the GNP and HEM's "Social Indicators" together, interventions of the kind typified by Marathon House are an attractive investment.

Case #5 - Occupational Training for Mentally Retarded Trainees (extended sheltered employment)

Data from the 1971 annual report of Handi-crafters, Inc., a sheltered workshop^a in Thorndale, Pa. show the following:

- o There were 187 trainees in the program
- o Expenditures amounted to \$304,446
- o Income generated from contracts was \$65,576
- o Income from other sources was \$245,381
- o The "excess" of \$6,571 was put back in the form of new equipment purchases and in increases in the value of fixed assets
- o The trainees were paid salaries amounting to \$55,849

The costs of the program per individual per year is \$1,352.20, which is attractive, especially when compared to alternative costs such as institutionalization.

^aThere are some mental patients and Veterans Administration clients mixed in with this population.

which amounts to \$5,840/person/year. Even welfare costs for all 187 on public assistance (\$1,716) are higher than the sheltered workshop costs.

In addition to the "excess" which is generated each year, there is another bonus in the sense that 32% of the trainees (60) are able to enter competitive employment. It should also be noted that \$55,849, in the form of increase purchasing power, is plowed back into the economy. We can therefore make the following statements: the costs for the 60 who go into competitive employment are amortized in .5 years; the costs for those in extended (perhaps lifetime) sheltered employment represent an annual saving of \$575,156 over institutional costs and a saving of \$51,390 over welfare costs.

In view of the alternatives, investments in sheltered workshops appear to be attractive opportunities. The long-range goal of Handi-crafters is to become as self-sustaining as possible by investing "excess" to buy more equipment to bring in new contracts and thus keep increasing income through work. Progress toward this goal increases the attractiveness of the investment.

For all human growth and development programs to be optimally effective the best available current techniques should be identified and utilized. One such set of exemplary training practices has been articulated by a group in the Human Resources Research Organization (HumRRO). Their report, "The Development of a Low-Cost Performance-Oriented Training Model," outlines the following instructional policy:

- o Performance orientation (i.e., establishing performance objectives based on task analysis)
- o Learning in a functional context (e.g. on-the-job training)
- o Self-pacing (i.e., setting realistic goals for differential learning paces and styles and motivational levels)
- o Insistence on mastery (quality control through sequential mastery)
- o Rapid and detailed feedback to trainees (eliminate "end-of-cycle exams")
- o Rapid and detailed feedback to instructors (permit and facilitate instructional modification)

Once an investment decision has been made—for example, to de-institutionalise the retardate population and enroll them in training programs—the soundness of an investment (the amount of payoff, rapidity of amortisation, the minimisation of attritions, etc.) can be bolstered by utilizing the best developmental practices, including the periodic evaluation of these practices and program components such as diagnosis and work sampling. In other words, decisions about when and where to invest should be accompanied by the development of constraints to optimize the payoff of the investments.

As stated earlier, numerous other cases could be worked out—college students, adult illiterates, the acceleration of the gifted, brain damaged students, emotionally disturbed students, institutionalized emotionally disturbed patients, skill upgrading of the marginally employed, to name only a few. However, a note of caution must also be raised. The working out of the arithmetic of amortisation cannot be done in a vacuum. Our investment in human capital strategies must take into account such questions as, "Will the jobs be there for the people we train? Will discrimination undermine some of our best efforts? How much re-training will be required to combat skill obsolescence? What per cent of the various target populations will defy our most determined efforts to reach them?" And so forth.

As long as we keep these planning caveats in mind, we can move with confidence into a social and economic future in which the expanding increase in the service sector of our economy will present an intriguing array of new investment possibilities and opportunities. In fact, based on the foregoing cases, we arrive, at two conclusions—one elated and one rueful. The elated conclusion: investment in people is the optimum contemporary wealth producer and that even modest investments can produce payoffs. The rueful conclusion, given past patterns, such as our tolerance of long-term non-developmental costs and our consistent proclivity to underinvest in certain attractive areas, is that we have been pretty inefficient about how we have been investing our money.

Non-developmental costs include the punishment syndrome. We are apparently willing, perhaps even eager, to absorb huge costs to keep adult felons locked up in non-developmental postures. We also, apparently, are willing to accept recidivist rates of 70% plus. The developmental option, in the case of convicted felons, would be less than 50% of the cost of existing custodial programs. Similarly, we seem willing to tolerate the cost of non-promotion (i.e., punishment) of students, which has been computed as over one and one-half billion dollars per year, rather than re-design a system to provide workable programs for all students. Part of the punishment syndrome is the economically suicidal attitude of "coddling criminals" and "wasting money on the helpless." The punishment syndrome manifests itself in all the social development programs -- welfare ("welfare bums"), education (college bums and racially inferior), and health (socialized medicine radicals) -- though not the NASA, ABC, and DOD programs.

The current abounding evidence of catastrophic school failure and underachievement, correctional and rehabilitative failure, and masses of people languishing in underdevelopment and unable to enter that club called "the economy" suggest that we had better learn the lesson of investing in human capital. Man has indeed "created a world in which mankind itself is the crucial environment."

Man is a temporal being, and thus has only one life, one potential, which is discrete and finite. In some future and far-off Wurmburg, the oligarchic crimes of human neglect, waste, and repression, no matter how "benign," it will be perceived that all manifestations of human underdevelopment are morally indefensible; none of us human spheres is expendable.

Thomas Jefferson believed in the phenomenon of heterosis (i.e., social hybrid vigor). Professor Glasier, of The University of Buffalo, makes a newer point: "When I'm optimistic, I feel America has a fountain of energy. We no longer get our vitality from the immigrant quotas but from the non-people who are becoming people -- the blacks, orientals, American Indians, Mexican-Americans.... There's a world-wide people's revolution, as Martin Luther King said, and the

United States is always on the wrong side."⁸

Professor Boulding's thesis, in a splendid little book that ought to be read by everyone⁹ is that we are currently in transition from a civilized to a post-civilized society. In this period, he sees the so-called "knowledge industry" as our "most important surplus." The further we move into the future, "formal education and organized research become of increasing importance, for the body of knowledge becomes so large that the informal methods of transmitting it and extending it become quite inadequate. It is therefore not surprising that this middle period of transition witnesses a great increase in the amount of resources devoted to the formal education, especially higher education, and organized research and development. Indeed, once the early stages are passed the capacity of a society to develop depends very largely on the proportion of its resources which it devotes to formal education and research."⁹

One could have added to the above the terms "training" and "rehabilitation," since these are the handmaidens of education and other aspects of the human G and D spectrum. In any event, the perceptions of Hauser and Boulding come together: man is the crucial environment and the investment priority. While generations of scientists have devoted considerable energy to figure out ways of beating the Second Law of Thermodynamics, investments to produce social mutations — the quantum jump from one state of being to another, hopefully through the intermediate stages of development to the realization of full potential, suggest that the answer may lie in man himself. The formula calls for taking one form of energy, dollars, and transducing that into improved and increased productivity through rehabilitation, training, and education, which, in turn, transduces into more dollars and other "intangibles."

⁸Personal communication, March 1972.

Footnotes

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Testimony given before
the

SENATE SUBCOMMITTEE ON THE HANDICAPPED ON S.6,
"The Education for all Handicapped
Children Act"

Submitted by-

Parthenia C. Smith,
Council for Exceptional Children
April 9, 1973

Education is probably the most important function of state and local governments, and virtually all state constitutions provides education as a fundamental, guaranteed right. Legal sanctions can and do close the educational doors to those who cannot compete in the race for knowledge. Title VI of the Elementary and Secondary Act of 1960 may be responsible for many of the improvements in special education. Approximately 10 to 15 % of the school age population are handicapped. National and state Constitutional have fail to recognize that handicapped children require additional care and services. Handicapped children are "Children Plus" and should have all the legal rights, accordingly. We as advocates must continue the pursuit of this right. Many believe that mandatory legislation is needed to accomplish this goal.

Article VIII, Section 4, N.J. Constitution, provides for free public school instruction for all children ages 5 through 20 years. The state of N.J. also has a statute Title 18 Chapter 46, which mandates special education programs and services for all children who are classified as handicapped. Since this mandated legislation, there has been changes in public attitudes that have led to greater acceptance towards including handicapped children in all educational programs.

Before I continue, permit me to define handicapped or exceptional children. A handicapped or exceptional child can be referred to as a child who is impaired physically, emotionally, intellectually or socially, to such an extent that he requires

special facilities, special professional staff and special methods of instruction to enable him to function educationally and socially and realize his full potential as an adult in our society.

Title 18 A, Chapter 46, states that districts must provide for evaluations of children who have been identified as handicapped. This evaluation includes the services of a school psychologist, school social worker and a learning disabilities teacher-consultant. Medical examinations are given and specialists such as psychiatrists, neurologists, speech correctionists and others may be called upon to participate in the assessment and the recommendations. Provisions are made for a County Child Study Supervisor to implement state statutes and regulations within the county and to prevent careless labeling of children. Once the handicapped child is identified, evaluated and a program recommended, many avenues are opened to local districts. These avenues include supplemental instruction, special classes, resource rooms and learning center programs, sheltered workshops, privately operated non-public schools and individual instruction at home, institutions or other physical facilities approved by the Branch of Special Education and Pupil Personnel Services.

Reviewing education in many other states, we in New Jersey should be proud of the leadership our state has taken in the education of our handicapped children.

H.E.W. Bureau for Education of the Handicapped shows the average additional cost of education for a handicapped child ranges from \$400 to \$800. The Bureau contends existing educational programs conform with ^{Current} ~~President Kennedy's~~ philosophy that federal government should play a catalytic role in the education of the handicapped, but that the programs have to be implemented at the state and local level. The Bureau now assist states in obtaining free money from the state and private funds for programs previously federally funded. The Bureau has also been responsible for establishing federal programs under the ~~1954~~ Education Act ^{for Handicapped} such as pre-school programs, deaf-blind centers, early education, centers for specific learning disabilities and numerous other programs which will improve educational opportunities. The Bureau could extend its services to assist states presently, without legislation, in getting laws passed. It could also help states like New Jersey to improve the quality of services and expand programs which are badly needed, especially in the area of vocational programs designed to accommodate the more severe handicapped children. ~~The Bureau must be retained if the handicapped child is to get this just done.~~

Bill 2-6 introduced in the 93D Congress by United States Senator Harrison Williams should help the HEW Bureau fulfill its purpose. ~~The Bill~~ ^{is needed to} direct the states to allot an appropriate amount of money from special revenue sharing funds to assure all handicapped children an education. Many of our local districts do not have the resources to accept the financial responsibility of education of the handicapped. Under the proposed bill grants

could be given, money equal to three fourths of the additional expenditures above the normal per pupil expenditures. The Bureau could then offer states assistance in developing educational opportunities for all handicapped children in compliance with the mandated legislation and states would have to earmark sufficient funds for this purpose. This plan would reflect local needs and should result in more accountability on the part of states and local districts. If special revenue sharing funds are used by states and local districts as they deem fit the accountability could be the responsibility of the U.S.W. Bureau for the Education of the Handicapped.

All of us whether we are in education or politics would agree that handicapped children are a reality and have the same rights to an education as the nonhandicapped child.

The federal, state and local legislators must protect their rights and pass legislation which mandate services. These services will enable all handicapped children to function effectively in our society.

Mr. Chairman, it is a distinct honor to appear before you because it is well known that you have espoused the causes of the forgotten groups in America-the migrants, the aged, the handicapped-to name just a few. Your courage in championing the causes of such people-even when it may not be politically advantageous-has made me proud of the fact that you are our Senator from New Jersey.

My admiration for you as a person is only equalled by my respect for the entire Sub-Committee on the Handicapped which has manifested an untiring zeal for the cause of the deaf, the blind, the retarded and other atypical citizens. I am proud to be associated with this committee in a new legislative effort to recognize the rights of handicapped children.

The road of life that stretches before these children is a rocky road with twists and turns; with ups and downs. In the past decade our legislators, reflecting society's changing attitudes toward its citizens who happen to be handicapped have paved the way for them to receive a better education from qualified teachers. The rough way has been made smooth by legislation in Congress that embodies a basic concept of American society-the idea that all, even the handicapped, are "endowed with certain inalienable rights". We are proud of our law-makers who in the tradition of Senator Hill have hammered out legislation which makes education an important factor in the "pursuit of happiness" a realizable goal for the exceptional child.

Historically, it began with Congress appropriating 2/3 of the monies in Cooperative Research for the retarded. This was succeeded by the establishment of Captioned Films for the deaf. The wisdom of our legislators was later seen in their interest in the special training of professional personnel for these children whose handicaps are capable of traumatizing even the most experienced teachers of normal children. It is the teacher not the building that makes an effective school. Consequently the enactment of laws that makes it possible for professionals to acquire the special knowledge necessary to understand special methods and techniques necessary to educate the handicapped was a landmark in the history of special education.

If the teacher is the "sine qua non" of a good school, research is the atmosphere in which the teacher lives and breathes. Never satisfied with one approach, ever seeking new weapons in overcoming the obstacles to learning, the good teacher who may not have time to experiment on a large scale is dependent upon professional researchers. Legislation that has funded research is supplying this climate to the educators of the handicapped.

In this age when technological progress is overwhelming, our legislators have proclaimed their belief that the handicapped can make their contribution to such progress when it established the National Technical Institute for the Deaf. Moreover, they have even concerned themselves with setting up models for pre-school programs which excite the imagination of all who are associated with the handicapped.

Finally, the gains that had been made for our exceptional children by previous individual acts of Congress were consolidated by the amendments to the Elementary and Secondary Education Act.

Once again we hear you hammering out legislation that excites us because it comes to grips with a basic problem -as outlined in the "statement of Purpose in S-6"- the rights of a child to appropriate education and its cost. Before commenting on the importance of this legislation permit me to make two observations. First the definition of the term "handicapped children" will be better served by a classification of speech and language impaired rather than the phrase "speech impaired". Speech is a function of language and should be associated with language problems. Such problems, as distinct from the public's concept of language as associated with cultural, ethnic or social developmental factors, are caused by one or more factors involved with the association of symbols with concepts, feelings and objects in the environment. In the education of the deaf the basic thrust is language development because hearing loss isolates a child linguistically. However, there are hearing children who, having language problems for other reasons, are classified as having delayed speech. The definition in the law would ^{be} more precise if it categorized these as previously suggested. Also I would suggest that the law clearly state that children under three years of age are not to be excluded. Precedent for including handicapped children from the earliest time of identification is found in the Handicapped Children's Early Education Assistance Act. The years before age three are important in the education of handicapped children but are especially critical in the

education of deaf children. Without special education a three-year old deaf child will have no vocabulary while his hearing peer will have about 1,000 words. The models established under the Handicapped Children's Early Education Assistance Act have proven the value of programs for children under age three. Therefore, I strongly suggest that S.6 Sec. 5 (a) (1) be worded in such a way as to make clear that the basis for a funding formula not be confused with who is eligible. Inclusion of children under three has meaning in the light of research done by Bloom at the University of Chicago which indicates at age four a youngster has already developed 50% of his total intellectual potential as a adult. Such an inclusion would be in line with the statement made by Dr. Kirk, Chairperson of the National Advisory Committee, on the occasion of the Congressional hearing for the above Act. A precise statement would be harmonious with the Gardiner Report that came out of the National Conference on the Education of the Deaf in which it was agreed that 0-3 be considered a "special entity within the pre-school category" because of the significance of this period for language stimulation.

In the light of the historical thumbnail sketch given at the outset of this testimony it almost appears that what I am about to say is contradictory. In reality it is a paradox. S.6 is really pioneer legislation in the area of the handicapped, but more significant I perceive it as the launching pad for future legislation that will benefit even children who are not handicapped in the strict sense of the term. It is pioneering because it will establish the principle that the Federal Government has a responsibility to assist education

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at the State level in a way and to an extent that it has not done before. It is most fitting that special education should lead the way in such a thrust because it is known that monies invested in special education programs in the past have benefited normal children through the knowledge gained through working with a typical child. I believe that the approach in this bill will provide all educators with an opportunity to study how such an approach can be used to benefit all children..

Being concerned about all children-typical and atypical- I must mention my concern for the children in non-public schools. Much of what was innovative in special education originated in non-public schools. Such schools were founded by parents, or dedicated teachers or groups in our society that had values which motivated them to establish programs for children when it was not fashionable for public schools to admit such children. It would be a great loss to the future of special education if such non-public schools which are free of a strangling bureaucracy were forced to close their doors for want of financial support. Their position gives them an opportunity to be creative in a unique way. Moreover, it gives them the opportunity to act as a spur for public education in areas where lethargy or indifference is the order of the day. If non-public schools are forced to close, public education would be the loser. Therefore, I suggest that the states be instructed to channel some percentage of the Federal monies into non-public education. If this not be possible under state constitutions then I suggest a form of funding through the U.S.O.E. which would not conflict with our Federal constitution.

Concern for handicapped children whether in public or non-public programs really means concern for their parents. It is significant that you have cut out a role for the parents in S.6. This is to be highly commended because it reflects the trend of recent years. In the past some educators gave the impression that the school was their private domain and parents were contained in P.T.A. cages or their equivalent. However, the new age is here in which parents have a more active and effective role in school programs. Dr. Lowell, an outstanding authority in this area, addressing himself to this point, stated that educators may have difficulty in making parents believe that they are truly wanted because of the bitter experiences parents have had with some educators who made them feel that they were intruding into a forbidden area. However, parent involvement we must have. Consequently, their inclusion in the all important advisory panel is to be commended.

To repeat my opening remarks I am honored by this opportunity to give testimony in favor of S.6 because it not only recognizes the problem and the potential of the handicapped but also because it will pioneer legislation that will benefit all the children in our country. All of us know what it means to pioneer so I say with all the faith in my soul "God bless you and give you the strength to battle for the children who are the new frontier in education".

Rev. Msgr. John P. Hourihan
Executive Director
Speech and Hearing Diagnostic Center
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TESTIMONY BEFORE THE SENATE SUBCOMMITTEE ON THE HANDICAPPED -
APRIL 9, 1973, NEWARK, NEW JERSEY

Hollis W. Wyks - Representing Council on the Education of the Deaf

In his 1972 U. S. Office of Education's Annual Report, Commissioner Sidney P. Marlin made note that there were an estimated 6 million school age, and an additional 1 million pre-school age handicapped children in our nation. Of this number, 60% were receiving limited or no special educational services. With that in mind, among the ten priorities established for that fiscal year was the effort to promote national, state, and local district cooperation to provide equal education to every handicapped person in the country along with the commitment to entitle these persons to not only equal but a "good" education.

Now recently, we have experienced a great deal of national media coverage regarding "equal education" by the various states which is being acted upon in the courts, most of which surrounds proper funding of education without undue stress on the local taxpayer. Just this past week here in our own state of New Jersey, an opinion known locally as the "Botter Decision" was upheld in our higher court. But what makes this decision unique is that it upholds the educational rights of New Jersey's citizens to a "thorough and efficient education". What now has every educator scurrying about is the interpretation of "thorough and efficient education" for this not only equates itself to money to support education but the best possible use of these funds, the professionals, the facilities, the activities, the equipment and the list will go on. ~~_____~~

J. P. Herz

then lies a parallel for we in the education of the deaf look to the Bureau of the Education for the Handicapped as the advocate to insure that the rights of the hearing impaired youngster are not overshadowed by the millions of other children who by sheer weight of numbers could squeeze out the vital services required by one of the most, if not the most, severe educational and social handicaps faced usually by an otherwise normal child. My own position is a case in point. Although not new to either the education of the deaf or the New Jersey Department of Education, my position as Director of Day Schools for the Deaf and Hearing Impaired was created only a scant nine months ago when the realization that despite numerous grants, funding at all levels and interest of professionals the education of the deaf statewide was going almost nowhere. The low incidence of the handicap itself works against those inflicted as only 1,800 school age children out of New Jersey's over 1 1/2 million have been so identified providing a widely scattered population and giving rise to a proliferation of isolated classes and programs. The State's Marie H. Katzenbach School for the Deaf has provided and continues to provide a comprehensive program of education for slightly over 600 of these pupils. The concentration of effort, monetary and professional, makes for a program worthy of replication for the rest of our state and possibly the nation, but even here, we cannot do justice to our particular handicap without the informational input, the real hardware, the software, provided for the Education of the Handicapped and its work within the field of the deaf that would be possible under this bill.

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If ever we in our field needed leadership and guidance in education we certainly need it now and for the next crucial years to come, for I speak of the abnormal number of deaf and hearing impaired children who are the result of the Rubella Epidemic of the 1960's. Again in New Jersey, a full 33 plus % of our 1,800 hearing handicapped youngsters will be between 8 years 2 months and 9 years 2 months in age come next September and an additional 16% a year older making 50% of our total population under the age of 10 years and the majority of these within a two year age span. Unfortunately, many of these children suffer other handicaps in addition to their deafness. If you parlay these figures to a nationwide configuration, you will begin to understand our concern that at this critical point in time, a reduction at any level especially funding and services for the education of the handicapped cannot help but have a detrimental effect on the educational process due the deaf and hearing impaired child.

As an educator, I have been fortunate to have been a recipient of materials and equipment to be used in improving my instruction that have been provided and developed by the Bureau of the Education for the Handicapped. I have also read and received information regarding studies of perplexing problems that have encouraged me and reinforced my own educational philosophies and approaches here in my own state, these again sponsored by the Bureau of Education for the Handicapped. I have been additionally fortunate to have observed first hand as a site team visitor on behalf of the Bureau of Education for the Handicapped, projects funded through the Bureau that will have far-reaching effects on improving the education of the deaf. Many of these are "spin offs" from original projects which cannot be pursued by the Bureau for they lie outside the realm of the particular proposal being funded. Yet to let

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these new avenues of learning lie dormant for lack of support or die would be a large crime as any perpetrated on a minority group of any kind at any time in our history.

The education of the handicapped is expensive and to be candid, the deaf come close to the top of that list. And yet, at an average national cost of say \$5,000 per year, over a twenty year period, that one could conceivably spend gaining an education, any state must consider this an investment in providing itself with employable, contributing members of its society and consequently to that of a strong and viable nation.

It is this knowledge of the capabilities of the deaf and not compassion that brings me to request your support to this bill continuing and increasing the funding and scope of the Education of the Handicapped. Like many, my interest is in the education of our nation's children. My concern, however, lies with the efforts on behalf of the handicapped and to devote less than my full energies to seek your help for the deaf child would be to turn my back on the very people to which I have elected to devote my career.

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THE TESTIMONY OF LAURA ANN WILBER, PH.D.
BEFORE THE SENATE SUBCOMMITTEE ON THE HANDICAPPED
OF THE SENATE LABOR AND PUBLIC WELFARE COMMITTEE

REGARDING

S.6 To Provide Financial Assistance to the States

for Improved Educational Services for Handicapped Children

April 9, 1973

Newark, New Jersey

TESTIMONY
OF
LAURA ANN WILBER, PH.D.

April 9, 1973

I have been asked by the New York State Speech and Hearing Association to testify before you in behalf of Senate Bill 6. As a former teacher of the deaf and hard of hearing, former public school speech therapist, and as an audiologist who has had specific contact with some of the programs for handicapped children in the states of California, Illinois, Mississippi, New Jersey, New York and the District of Columbia, I most enthusiastically support the enactment of the "Education for All Handicapped Children Act."

It has been my observation that the disparity in services for handicapped children which I have seen from state to state has not been due to a lack of concern or interest in the problems of these children but to the very real financial burden which their proper education can place on some school districts. In the Bronx today there are many children who are not in school because there is no program for them in their district and transportation out of district is tenuous at best.

The problem of properly educating handicapped children is especially evident in areas such as the South Bronx where educational facilities are already strained. In these schools it becomes difficult to define the children with physical handicaps and it is virtually impossible to ensure their proper education. Yet these are the children who are already deprived because of their environment. Further deprivation which occurs when the child is not given an adequate education can result in his becoming an adult who is totally dependent on society to feed, clothe and shelter him. These children, when found early and properly educated, can become self-sustaining productive members of society.

It is clearly not possible, however desirable, for a district already burdened with the costs of such mundane things as trying to keep windows and reasonably intact chalk boards and desks available in its classrooms to be able to take on the extra costs which proper education of the handicapped child entails.

Even when the district can allocate some funds for such education, it becomes a matter of priority as to which group of handicapped children can receive adequate attention. The most affluent districts have at times been forced to curtail such services as language therapy. Yet the U.S. Department of Health, Education and Welfare reports that 12 to 15% of the children in kindergarten through grade 4 have serious defective speech. When one considers the impact of defective speech, coupled with other handicapping problems such as hearing impairment, one realizes that as many as 10% of all school age children may suffer from some language disability. The problem of language disorder cuts across all areas of handicap and leaves its debilitating effect. We must realize that the child who has defective language will not only have difficulty in communicating, he will be unable to learn history, mathematics, science or any subject which requires a language to communicate its knowledge.

Senate Bill 6 would not only help in the provision of funds for handicapped children but it would also force the school to specify what each child would receive in his education. The drawing-up of individualized programs which this Bill requires appeared initially repugnant to me as a former teacher, but closer consideration revealed its potential helpful impact. The requirement that each child's program be re-evaluated annually could mean that children who had been inadvertently improperly placed would stand a better chance of being relocated before the end of their education. This Bill could, thus, potentially work to upgrade educational programs for handicapped children throughout the several states.

In summary, it appears that the "Education for All Handicapped Children Act" could significantly improve the education of handicapped children through its monetary and educational considerations, thus making these children become self-sustaining, contributing adults, and for these reasons I urge this committee to act favorably on Senate Bill 6.

TABLE 2-4. Speech disorders in a college population over an eleven-year period (compiled from Sherry, "Journal of Speech and Hearing Disorders," 17, 1952, 55-51.)

Year	Total Examined	Defective		Articulation		Stuttering		Voices		Bills	
		No.	%	No.	%	No.	%	No.	%	No.	%
1941	1,220	257	7.98	119	46.30	31	12.06	67	26.07	40	15.56
1942	3,095	141	5.20	94	16.18	11	21.73	32	19.87	0	0.00
1943	2,264	121	5.30	76	62.80	20	18.52	18	14.87	7	4.78
1944	2,271	62	3.02	30	44.11	5	18.23	6	8.82	6	8.82
1945	2,836	151	5.32	82	54.30	29	19.20	18	10.59	24	15.89
1946	4,432	101	2.30	49	48.51	22	21.78	20	19.80	10	9.90
1947	1,469	118	1.40	64	54.23	37	31.34	11	9.32	4	3.38
1948	4,357	75	1.70	36	48.00	24	32.00	10	13.33	5	6.66
1949	3,700	48	1.29	19	39.58	16	33.33	8	16.66	5	10.41
1950	1,362	107	7.18	51	47.66	25	23.36	28	26.16	3	2.80
1951	353	13	3.68	7	53.84	4	30.76	0	0.00	2	15.38
TOTAL	33,330	1,220	3.65	627	50.70	269	25.48	216	15.04	108	8.73

abilities resulting from organic malformation or lesion. True, one can not say how many cases of retarded speech development or of voice disorders have organic cause, but it is at least clear that all persons with cleft palate speech or with dysarthric speech related to cerebral palsy do have an underlying organic defect. In the cases of these latter malformations, although the prevalence is not as large as with some of the other disorders, the disruption of communication is often drastic, and human need for full attack on these communication problems is paramount.

In interpreting the foregoing prevalence figures, it is important to keep in mind the qualification stated by the ASHA Committee:

It is to be stressed that the figures are presented as the lowest defensible estimates. . . . They leave out an estimated additional 5 percent, or 2,000,000 children who have relatively minor speech and voice defects, unimportant for most practical purposes but serious in their effects on personal and social adjustment in some cases, and obviously significant for fields of work, such as teaching, requiring good speech. (op. cit., 129).

As a final note on the prevalence of speech disorders, it should be pointed out that all surveys which have reported the prevalence of speech problems for different ages or grade levels have shown an obvious reduction in the number of speech-defectives from lower to higher age or grade. Milisen (op. cit., 250) has summarized these findings as follows:

From kindergarten through fourth-grade level, roughly 12 to 15 percent of the children have seriously defective speech. In the next four grades, between 4 and 5 percent are seriously defective. General estimates above the eighth grade are based on highly selected samples and

therefore the best guess would be about 10 percent as for the upper elementary grades 4 to 5 percent. . . . This Statement is justified by studies of specific disorders which show little or no change takes place in the speech condition after the child has reached 10 to 15 years of age, unless special therapy is offered.

TABLE 2-5. Estimated prevalence of speech defects in the United States.

Percentages based on the report of ASHA Committee on the White House Midcentury Conference (Journal of Speech and Hearing Disorders, 17 (1952), 129-137). Numbers of cases have been updated figures given here being estimated in terms of 50,000,000 between ages of 10 and 21 years and in terms of 200,000,000 total population (assuming same percentages of speech problems among children).

Type of Speech Problem	Ages 5-21 years		All Ages	
	Percent	Number	Percent	Number
Functional				
Articulatory	3.0	1,500,000	3.0	6,000,000
Stuttering	7	350,000	7	1,400,000
Voices	2	100,000	2	400,000
Cleft Palate Speech	1	50,000	1	200,000
Cerebral Palsy Speech	2	100,000	2	400,000
Retarded Speech Development	5	250,000	5	1,000,000
Impaired Hearing (with Speech Defects)	5	250,000	5	1,000,000
Total	3.0	2,500,000	3.0	10,000,000

D. Summary on Prevalence of Communicative Disorders: Data on prevalence of communicative disorders are incomplete and often lacking in rigor. Nonetheless, in the preceding discussion we have reviewed and interpreted these data to the best of our ability. The outcome, considering only the gross totals emerging from our analysis, is that about 8,500,000 Americans have either bilateral or unilateral hearing impairments of handicapping magnitude; another 2,100,000 have central communicative disorders; and 10,000,000 have speech disorders. We probably should assume modest overlap in the totals, but we must still recognize that approximately 20,000,000 persons in this country have communicative handicaps worthy of our concern. Moreover

This figure would now be appreciably higher because of the population growth since the Mid-Century White House Conference on Children and Youth.

HUMAN COMMUNICATION AND ITS DISORDERS:

An Overview

CHAPTER II

PREVALENCE OF COMMUNICATIVE DISORDERS

Several underlying factors relative to abnormal or deviant development of communicative skills are reflected in current information about the status of newborns, as well as in ever-increasing knowledge about internal and external causal factors.

Learning to hear, to understand, to comprehend and use verbal symbols, and to talk are among the most difficult tasks undertaken by children. At least a half dozen presently known neurological networks, involving millions of cells, are required for these activities. Clearly, many factors may exist which interfere with their development.

A few current findings may help to show the complexity of the picture:

1. Slightly more than 7 percent of newborns are found to be damaged or defective; 3 percent are otherwise mentally retarded. These ratios include infants only through the 4th week of age, commonly defined as the end of the neonatal period (Barnes, *et al.*) (2).

2. Approximately 12 to 15 percent of 12-month-old babies are found to be neurologically deviant or suspect in a current national study (Hardy, *et al.*) (14).

3. More than 8 percent of the babies from this same study fail a simple screening procedure requiring responses to various acoustic stimuli; the majority of these infants do not have impaired hearing, but do have various mental/motor deviations.

4. Approximately 10 percent of live births are premature (Barnes) (2). Over 50 percent of pre-matures weighing less than 1,500 grams have a predilection for serious mental/motor disabilities (Pannamanick, *et al.*) (24).

These and similar data suggest something about the extent of communicative disorders in childhood.

Several years ago, Maryland's Crippled Chil-

dren's Program of the State Department of Health developed an eight-point plan for concentration of services:

1. Orthopedic, including poliomyelitis
2. Plastic surgical conditions
3. Visual conservation
4. Hearing conservation and speech disorders
5. Cardiac (rheumatic and congenital heart diseases)
6. Epilepsy
7. Cerebral palsy
8. Other crippling conditions

Within this range of problems, it is conservatively estimated that 50 percent of the children involved with these crippling conditions have some degree of communicative disorder ranging from minimal to profound. This does not include the relatively large number of mentally retarded children who typically show a high incidence of language and speech disability.

Two main ideas are implicit from such an analysis: (1) The wide interrelationship between serious disabilities and communicative skills, and (2) the need among professional personnel dealing with these children for information about the related communicative disorders. Both these ideas suggest needs in terms of professional training, clinical management, and special education.

Prevalence of Disorders

Hearing

1. Profound impairment ("deafness")—1.2 per 1,000 school children. (Recent figures from studies in this country and from public health studies in England are in agreement.)

2. Moderate-severe impairment (hard of hearing children)—13 to 30 per 1,000 school children. ("Most estimates agree that about 5 percent of school children have hearing loss sufficient to war-

rust further study, but many in this group are medically correctable and do not require intensive special education." (Maryland Report on Atypical Children, p. 15.) (20).

3. Distortion (dysacusis). Although the number is not known, there is a growing number of children whose problem is not so much hearing loss (hypacusis) as distortion. Not uncommonly they have other difficulties and thus present complex communicative disorders.

Speech

1. Articulatory defects:

a. Physiologic—40 to 60 per 1,000 school children.

b. Organic:

(1) Cleft palate and other maxillofacial problems—1.5 to 2 per 1,000 children.

(2) Cerebral palsy—1.5 per 1,000 school children. (It is estimated that 50 percent of the palsied children have organic speech disorders.)

(3) Hearing impairment—see above. (All serious hearing impairment involves problems with language development and speech.)

2. Voice disorders—10 per 1,000 school children.

3. Retarded speech development—5 per 1,000 in elementary grades.

4. Chronic disfluency (stuttering)—6 to 10 per 1,000 school children. (Although this is not a speech disorder in a strict sense, its primary symptoms involve difficulty in the speech act.)

Language disorders

There is no formula available. A more general awareness of basic disorders of language in children has only recently come to the foreground of attention among clinicians and educators and there are no good data on prevalence. In pursuit of some of the implications of the information given above on neonatal and developmental deviations, three points seem quite apparent: (1) With the population growth, a greater number of children who are deviant in several ways can be expected; (2) modern procedures for differential evaluation are increasingly sensitive; and (3) more children survive serious prenatal, perinatal, and postnatal events. Because of these factors, there are increasing numbers of children with multiple crippling conditions.

As has been observed in the past decade with the extension of health services in epilepsy clinics, the more one looks the more one sees. No doubt there are more children with language disorders, or pre-

language interferences, and the number will probably continue to grow. How many of them may ultimately be helped by the attention and treatment becoming available through chemotherapy and the work of the developmental pediatric neurologist, is quite conjectural. Some kind of an indication may be taken from the fact that in Baltimore and in New York City the number of children with such problems enrolled in special classes has multiplied more than tenfold in the past decade. It is probably true, moreover, that many children presently grouped as "slow learners" and "educable retarded" have primary prelanguage or language disorders.

Reading disability

Various estimates from information in this country and abroad (particularly from Denmark and Sweden) place the prevalence of all forms of reading disability at 150 per 1,000 school children. It should be recognized that reading problems may be caused by various factors, including mental retardation, emotional maladjustment, hearing impairment, visual disability, psychosocial deprivation, and general poor health. Additionally, there is a particular category commonly called *specific dyslexia*, which usually can and should be differentiated.

Certain outstanding common characteristics are found among these cases of dyslexia, and these may appear in various combinations. They include: (1) reversal of symbols; (2) poor spelling; (3) auditory confusion; (4) writing disability with frequent mirror writing; (5) hereditary family pattern; (6) sex association, with a ratio of at least 14:1 in boys.

Diagnostic evaluation of children handicapped with a reading disability should include a good medical, emotional, social, and school history, as well as specific medical, neurological, ophthalmological, audiometric, and psychological tests where indicated. Treatment may be managed in various ways, although the observance of certain fundamental principles in all cases is essential. The technical measures of re-education in these cases are simple, definite, and almost invariably assured of success. (Maryland Report on Atypical Children, pp. 48-49) (20).

National Health Surveys

The National Center for Health Statistics, a unit of the U.S. Public Health Service which is conducting the National Health Survey, has published a report on the characteristics of persons with

impaired hearing in the United States from July 1962 to June 1963. The information in this report was obtained through a nationwide household interview survey (22). Selected findings from this report are as follows:

Approximately 8 million persons were estimated from the interview to have some hearing loss in one or both ears, following an attempt to find additional information through a supplementary questionnaire. 31 percent reported a hearing impairment in only one ear, 51 percent reported hearing impairment in both ears, 8 percent reported hearing good in both ears and there was no response from 10 percent.

Of those persons reporting hearing impairment in both ears, an attempt was made to judge their ability to hear without the use of a hearing aid with the following findings:

- Can not hear and understand spoken words—47 persons per 1,000 population.
- Can hear and understand a few spoken words—4.0 persons per 1,000 population.
- Can hear and understand some spoken words—15.3 persons per 1,000 population.

The association of hearing loss and age is readily apparent from the data in this report. The rates for all persons with bilateral hearing loss increase from 3.5 persons per 1,000 population under 17 years of age to 132.0 per 1,000 persons 65 years of age and over. Approximately 80 percent of the persons with bilateral hearing loss were 45 years of age or older and 55 percent were 65 years of age or older.

The prevalence of bilateral hearing loss was considerably greater among males than females; in each of the age groups the rate for males was higher than the rate for females. However, the differences were much greater for the two older age groups than for the two younger age groups.

The difference in rates between the sexes is primarily due to the rate difference among those with the least hearing loss, that group defined as "can hear and understand some spoken words." The rates for males and females do not differ much in the most severe hearing loss group.

The prevalence of bilateral hearing impairment decreased as the amount of family income and the educational attainment of the individual increased. This finding is consistent with other data from the health survey which show that chronic conditions causing limitations of activity are more prevalent among persons with lower incomes.

Comparative data on impaired bilateral hearing among white and nonwhite persons reveal a considerably higher rate for white persons (23.3 per thousand) compared with that for nonwhite persons (15.1 per thousand). In general, these racial differences held through for all age groups and degrees of hearing loss.

The prevalence of bilateral hearing impairment is lowest in urban areas. In respect to major geographic regions, in each of the age groups, the rates are lowest for the northeast region of the country and highest in the South and Southwestern.

About 22 percent of the population with bilateral hearing loss were currently using hearing aids, about 6 percent were formerly users and 70 percent had never used a hearing aid. As might be expected, the use of hearing aids was closely

related to hearing ability. About 45 percent of those with no speech comprehension were current users of hearing aids and only about 45 percent of these persons had never used an aid. Among those who could hear and understand most words, only about 12 percent were using aids and about 62 percent had never used an aid. The proportion of current users of hearing aids is directly related to income; the higher the income, the higher the percentage of persons who are presently using an aid.

Of the 5,085,000 persons with bilateral hearing loss, about 222,000, or 5.4 percent, were reported to have a severe visual impairment. These percentages indicate that about one-fourth of the persons 65 years and older who have a hearing impairment also have some degree of visual impairment.

The National Center for Health Statistics has also recently published findings from the Health Examination Survey which provide estimates of hearing levels of the U.S. population, ages 18 to 79 years (23). The estimates were based on data collected by means of audiometric examination of a representative sample of the population. In the analysis of the material in the health examination survey, an attempt was made to relate hearing levels to speech comprehension.

Hearing in mind the limitations of such comparisons, one can relate the 2.7 percent of the adults in the health examination survey who were reported to have 30 decibels or more loss ("frequently difficult with normal speech" through "usually cannot understand even amplified speech") as compared with 2.7 percent defined in the household interview to have a bilateral hearing loss. The two estimates, though similar, may, however, arise from different factors. Nonetheless, both studies can gain support from the fact that their independent estimates of prevalence differ so slightly. There is a strong likelihood that the true prevalence of hearing impairment of this degree is not far from a rate of 2.7 per 100 adults.

It is interesting to compare these most recent findings with those published earlier by the National Center for Health Statistics as listed in table 1.

There is a striking increase in the incidence of hearing impairments in the older age groups, both in rate per 1,000 population and in percent of all impairments. Data from the survey also indicate a higher incidence of hearing impairment for men than for women, and a higher incidence in rural than urban populations. It is to be noted that these estimates of hearing impairments are much lower than in the most recent studies.

As indicated in table 1 there is a gradual decrease in the average total number of speech im-

TABLE 1.—Average prevalence, percent distribution, and rate per 1,000 population of hearing and speech impairments by age (U.S.S.) (16)

Group	July 1939—June 1941 (age in years)					Over 75
	40 and over	Under 25	25-44	45-64	65-74	
Hearing impairments						
Average number in thousands	0.231	487	941	1,894	1,294	1,863
Rate per 1,000 population	35.3	7.6	28.6	52.2	129.2	286.1
Percent of all impairments	21.1	14.9	15.6	26.6	36.1	61.7
Speech Defects						
Average number in thousands	1.094	7.5	181	127	60	38
Rate per 1,000 population	6.5	9.7	3.5	3.7	6.2	8.1
Percent of all impairments	5.6	18.3	2.7	1.7	1.0	1.0

pairments in the adult population as compared with the preschool and school age segment. Data are also presented which show that one-half of all reported speech defects are among children under the age of 15. There is, however, an increase in the rate of speech impairments per 1,000 population with advancing age. Some of these cases are secondary to acquired language disorders and nervous diseases, but a significant number are associated with laryngeal cancers.

Snider's data shows that approximately 1,500 to 2,000 laryngectomies are performed yearly for the treatment of carcinoma of the larynx, with estimates of 15,000 to 20,000 laryngectomized individuals alive in the United States today. This is a significant figure when compared to the survey statistics of 65,000 speech defects in the 65 to 74-year-old age range. Further confirmatory data is given in a review of 725 cases of carcinoma of the larynx treated between 1935 and 1945, as shown in

Table 2. Seventy-seven percent of the individuals were over 50 years of age with 66 percent above 60 years (27, 19).

TABLE 2.—Cancer of the larynx—725 cases—1935-1945

Group	Estimated (50%)	Interval (50%)	Total (75)
Male percent	97	96	97
Female do	3	4	3
Median Age			
Male years	60	60	60
Female do	61	61	61
Both do	60	61	60
Youngest do	35	35	35
Oldest do	88	91	91
Under 40 percent	2	2	2
40-49 do	14	14	14
50-59 do	31	30	31
60-69 do	45	47	46

Source: Wayne Hinton, M.D., Hinton's Laryngeal Surgery—1947.

Testimony for

SENATE SUBCOMMITTEE

ON THE HANDICAPPED

April 9, 1973

with

Addendum

by:

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First, I would like to take the opportunity to thank you for allowing me to testify at this hearing. I am here today as a representative of the Council on Education of the Deaf. In addition I am a board member of the Conference of Executives of American Schools for the Deaf and a past board member of the Alexander Graham Bell Association for the Deaf. These organizations represent most of the superintendents, directors of special education, university personnel and other administrators serving the deaf in the United States. Also represented in these groups are teachers, deaf persons, and parents of deaf children. In short, we account for most of the educational facilities and services for the hearing impaired throughout the United States, so you can readily understand our desire to be heard today.

Historically society has programmed for the handicapped in direct proportion to their knowledge, understanding and especially compassion for the disorder. For example, institutions for the mentally retarded, the deaf, and the blind have been around for over 150 years. However, in recent years medicine has begun to salvage many infants who would have died had they been born at the turn of the century, hence the appearance of the multiply handicapped child. New descriptions of children had to be devised and old ones modified. It seems to me that Senate Bill No. 6 while directing itself to all handicapped children focuses mainly on the youngster with a multiple involvement. The child who is socially and emotionally disturbed as well as deaf presents a whole new dimension of problems not only in education but in care as well. His additional handicaps, of necessity, must be translated into additional dollars of care and

training. Yet with the spiraling costs of goods and services states are naturally reticent to program for a socially and emotionally disturbed deaf child at \$10,000 to \$14,000 per year when they are already programming for other deaf youngsters at half that amount. The authors of this bill obviously recognize this problem and have attempted to expedite programming for the multiply handicapped by offering additional subsidies. The organizations I represent overwhelmingly support this concept.

In my own experience our facility, The Pennsylvania School for the Deaf, must turn away many more children each year than it can accept and in almost every case the reason for referring the child back to his own school district is because one or more severe, additional handicaps exists. Large central institutions such as ours could probably manage multiply handicapped children better than the public schools because of the wide geographic separation of these children. In fact, many residential facilities, including ours, are expanding to accommodate the multiply handicapped, but at some point because of financial considerations and the lack of appropriate space and personnel we must decide we cannot program for certain children. I do not think there is a superintendent in the country who if offered the resources would not jump at the chance to reorganize his program in order to serve the needs of these terribly afflicted youngsters.

RIGHT TO EDUCATION

I would like to take a moment here to address myself to the concept of a "free public education" for all handicapped individuals. The concept itself is a laudable one and I support it wholeheartedly, but I would add just one word of caution.

In Pennsylvania a landmark decision was handed down in the case of The Pennsylvania Association for Retarded Children (PARC) versus The Commonwealth of Pennsylvania. This right to education bill has resulted in sweeping reforms within the Commonwealth that ultimately should result in an appropriate program for every mentally retarded youngster. It is my understanding that thirty-seven other similar suits are currently pending throughout the country. I think it is very important that we follow only the concept of a right to education as history has shown the folly of patterning all educational procedures after one particular handicap. The key to this legislation is the term "appropriate education."

For example, the meaning of free public education should not preclude the purchase of services for non-public, or state related facilities. This is an extremely important point since historically, at least, the bulk of services to the deaf and blind have taken place in the private sector. Many of these institutions are similar to the one under my charge. Our school has served the Commonwealth of Pennsylvania continuously for 153 years receiving most of our income from it, but by definition, at least we are still a private agency. I believe the spirit of the term implies that each child will receive an appropriate education at the expense of the state, and in a facility that best meets his educational needs regardless of whether public or not.

In some instances these non-public agencies are providing instruction for severely handicapped children where the local public school or district is unable to do so. In addition, the cost of these services to a particular school district can often be less costly than if the public school provided directly. Unfortunately, though state and district reimbursements cover costs of educating deaf children, they may not cover the cost

of educating other handicapped children. Section 1376 of the School Code of Pennsylvania, for example, places a limit on the costs of educating all handicapped children. At the present time this ceiling provides enough money to take care of costs for the deaf but not for other handicaps such as the socially and emotionally disturbed child. This state legislation presently results in the excess costs falling on the shoulders of the parent. For quite a few years a number of us have asked the question, "What is the morality of a law that discriminates against a child because he was unfortunate enough to be born socially and emotionally disturbed instead of deaf?" Gentlemen, I think you will agree there is no answer unless perhaps it is Senate Bill No. 6.

DEAF PEOPLE, A SUB-SOCIETY WITH SPECIAL NEEDS

Finally, throughout Senate Bill No. 6 is the reference to an appropriate education for every handicapped child. Section 7 (b)(1), for example, urges the placement of handicapped children in "public preschool, elementary, and secondary schools where appropriate and to improve programs for handicapped children who require institutionalization." I would like to suggest that with deaf children institutionalization, as you refer to it, may actually be the program of choice. Remember, the problem of deafness is the problem of learning the most difficult language in the world without ever hearing a word of it. By so doing they have established themselves as a subculture within our society. And most deaf adults will tell you that they prefer residential education as it offers not just the essentials of reading, writing, and arithmetic, but socialization with others of the same handicap. But most of all it offers the opportunity to be with people who express their love for you in a language you can understand.

THE CENTER SCHOOL CONCEPT:
THE DEVELOPMENT OF
A SUBCULTURE

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This presentation is in support of the Center School Concept as the principal means of educating deaf children. The center school concept is defined here as an educational complex consisting of both day and residential facilities. It is a center large enough to justify, in addition to adequate space and personnel, proper class groupings and appropriate ancillary services. These services include:

1. Trained/certified administrators of the deaf including principals, department heads, coordinators and teacher aides
2. Supportive staff who are trained educators of the deaf as physical education personnel, librarians, science consultants, audio-visual specialists, psychologists, audiologists, social workers, guidance personnel, dormitory supervisors, speech therapists and nurses

In addition the school should be physically designed for deaf children. School buildings, gymnasiums, diagnostic facilities, etc. should be geographically located in such a way as to optimize their effectiveness as part of the total program.

However, most important of all, the school should have a philosophy of educating deaf children. Traditionally when someone speaks of philosophy of education you think of oral, manual, total communication, simultaneous, Rochester, cued speech or some other philosophy of expressive and receptive communication. My reference here is not specifically communication philosophy although I must admit it is a factor. Rather it goes deeper into our very attitudes about the deaf as human beings. Though this paper supports the center school concept for the deaf, it does so because of a philosophy about deafness rather than any attempt to preserve a specific type of institution.

This philosophy is predicated on the belief that the deaf are a minority and suffer great hardships at the hands of the majority who attempt a reverse form of discrimination by trying to draw them into the hearing culture. Wirth (1945) defines a minority as:

"... a group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment, and who, therefore, regard themselves as objects of collective discrimination."

I take the position that most deaf are part of a unique population and hence represent a sub-society within our culture. Further, I submit that any other group in our society who by choice or by heritage who wish to isolate themselves in whole or in part from the majority are given the right to do so. Why is it then that we will recognize the rights of those of Italian, Polish, Jewish or German extraction to group themselves ethnically, to perpetuate their ideals, to preserve their language heritage, to maintain their religious beliefs, but deny the same privilege to our deaf citizens who wish to do so? Recently, Black people have expressed the attitude that they wish to preserve for their children the rich heritage of the Black man. They no longer subscribe to the ideals of a Caucasian majority. They ask only that they be allowed the same freedoms as the whites, but not at the expense of losing their Black identity.

Deaf citizens are not a racial group but they are certainly an ethnic one, and the same discrimination that has caused the Black man and the Jew to group together causes the deaf to long for the same. The basic difference between the deaf subculture and the racial subculture is that most deaf children are born to hearing parents. Tragically it is the parent who first tries to mold the child to fit into a hearing culture of speaking people. Supporting the parent are naive professionals, also hearing people and usually parents

themselves, who believe that the child must become a part of the hearing world. This is utter nonsense.

Let me give you a concrete example of naive professionalism. Ask most public school teachers of the deaf the question, "What are you?" and I predict you will get one of the following answers:

1. Teacher of the hearing impaired
2. Teacher of the acoustically handicapped
3. Teacher of communicology or communication science
4. Hearing therapist
5. Special education teacher
6. Teacher of exceptional children

If you teach the deaf, stand up and tell people you do. It's a very honorable profession, and many of us resent the euphemistic titles that are currently in vogue. I personally feel that a young man or woman who is not proud enough to use the title of teacher of the deaf probably lacks the basic sensitivity to teach deaf people to be deaf people and to feel their pride of accomplishment and self worth as human beings. It seems to me that we are trying to destroy the word deaf as though that in itself would lessen the handicap.

J. Milton Yinger (1965) describes another characteristic of discrimination imposed upon the deaf by hearing professionals:

"...the tendency to treat unequal people equally--that is, to treat all members of the minority group as if they were alike. But if all persons...receive identical treatment regardless of their individual qualities, it is

clear that we have deprived ourselves of the power of acute discernment which is the first meaning of discrimination."

I should be quick to point out that because I advocate the recognition of a deaf subculture I do not consider all deaf people to be the same because they are deaf. Actually there are as many differences between deaf persons as hearing persons. The deaf desire to choose their friends much the same as we do, selecting those who compliment their personalities and rejecting those who do not. This natural selection process can be seen in large schools and programs for the deaf. In smaller programs the only homogeneity is often the deafness itself.

A poignant example of treating unequal people equally comes from an article titled, "How Do You Dance Without Music." (Mow, 1970) The deaf author is observing his wife who is asleep:

"Sam, do you love her or are you merely fond of her? You married her because she was available, the best of a limited lot. Probably she had said "Yes" for the same reason. It has always been this way. You don't have a ghost of a choice. Education, ambition, job, wife, and sometimes religion. For you choice is a limited word."

What's so great about the hearing world? What have you ever offered the deaf citizen besides discrimination in housing, jobs, and particularly your social life? How many of you have deaf friends you regularly interact with? I don't mean post-lingually deaf people or the hard of hearing but genuine pre-lingually deaf adults. Even I who live and work with the deaf could not honestly say I have close friends who are deaf. The fact of the matter is that most hearing people make the deaf feel extremely uncomfortable.

I am fast coming to the conclusion that education of and for the deaf is an artificial concept developed by well-meaning but misinformed hearing people. And I must confess that up until a few years ago I was part of the problem instead of part of the solution. It seems to me that to speak of educating the deaf is a simplistic answer to an extremely complex problem. Like it or not I think it's about time educators of the deaf recognize they should be contributing to the proliferation of this sub-society, not the destruction of it. The notion that deaf people must live entirely in a hearing world is as fallacious as the idea that a Black man should give up his identity because the majority of people are Caucasians. I think most deaf citizens would subscribe to the concept of selective coexistence with the hearing majority. Because of their sheer numbers, the country is controlled by white, Protestant, hearing people. They are the employers, politicians, teachers, and policemen, and if a deaf man wishes to work, vote, learn or live in the society, he becomes subject to their dictates and philosophies. Consider another thought from Sharny Mow who recognizes this very dilemma:

"... You find it difficult to forget for a moment you are deaf when you are continuously reminded by an unwitting public. You are daily subjected to this public's unpredictable reaction and to the necessity of proving yourself. A lifetime of unending strain. After all this can you kid yourself about not becoming oversensitive in your human relationships?"

I'd like to tell you of an experience I had recently to demonstrate society's reaction to the handicap of deafness and at the same time explain some of the hostility the deaf feel toward the hearing. I received a call from the Camden County, New Jersey Sheriff's Office asking me if I could identify a young deaf man I'll call John Jones. It seems John was being held incommunicado on a charge of armed robbery, attempted assault and auto theft. I received the call the day after New Year's. John had been held since before Christmas.

The caller was the public defender. It seems that John, a tall, good looking 19 year old, was walking along the highway. A young, hearing housewife seeing him stopped to give him a lift. According to her testimony he then made advances. She stopped the car and ran toward the policeman on the corner. John took the car and fled. When the police caught him a few blocks later and searched him, he was found to have a knife in his possession. Because of his deafness, he remained in jail until an interpreter could be found. The interpreter tried to advise him of his rights and find out where he lived, etc. By the time the public defender was called in and another interpreter was brought in, several more days elapsed. Luckily the boy had attended our school for a few months and we were able to identify him. The important part of the story, however, is this. First of all, John can neither speak intelligibly nor sign coherently. He is mildly mentally retarded. It seems clear now that he was not hitchhiking but only walking. The woman's motives for stopping and asking a teen-ager to take a ride are highly questionable. When John got in the car she asked him where he was going not knowing he was deaf. He attempted to use his speech to answer but the guttural sounds served only to frighten the woman. He then reached in his pocket for a pencil and paper and she thought he was reaching for a weapon. Completely struck by fear she stopped the car and ran screaming to the policeman. John panicked and slid behind the wheel attempting to escape. When the police searched him later they found a pocket knife of the same variety carried by many hearing teen-age boys. In this case, however, with the hearing woman's testimony and his leaving the scene of the incident plus the knife and his deafness he was put in jail, treated as a criminal, and held for ten days during the Christmas holidays. Later, of course, all of the truth came out, but imagine the internal pain and anguish for John who will undoubtedly carry the emotional scars for life.

This is not an isolated case. I have selected it because it is dramatic, but during the course of a year my people receive dozens of calls for help most of which are meant to bridge the cultural gap between a deaf person and the hearing community.

What's so special about the hearing world that we feel compelled to impose every aspect of it on the deaf man? We don't even give him a choice. Right from infancy when he is diagnosed we begin to prescribe for him. Hearing people determine when he will begin school, where he will go, what will be taught. Moreover, they apply the same pluralistic techniques. It seems that if the deaf child is educated in a regular public school during the same hours and months as the hearing child he becomes a hearing child by virtue of his conformity to the pluralistic ideal of education. One educator has described this as the 'my-child-is-as-normal-as-your-child-because-my-child-goes-to-school-with-your-child' syndrome. Cr, as Schlesinger (1968) put it:

"...the parents say, 'As for those with different cultures or languages, they would surely emulate us, if they could.' Carried to what I consider unhealthy extremes; this ethnocentrism then becomes, 'You must emulate us.'..."

The paradox of this situation is that the same society that now insists that the deaf child join the hearing world prohibits him from doing so in some of the strangest situations. Although public education in regular schools is the apparent goal, more often than not this education is restricted to the three "R's" (plus speech). His actual integration is more often than not a myth. He is excluded from gym, art, field trips and sometimes even has a different recess period than the hearing children in the same school.

If he is truly a deaf child his world collapses at 3:30 p.m. when "school" closes. This lonely youngster is now entirely in the world of the hearing. Neighbors don't want their children to play with him, his parents may not be able to communicate with him, and even if they can, they are unable to fill the void created by his exclusion from his peer group. In the evening he is unable to attend Boy Scouts or enjoy TV. Even his brothers and sisters lack the understanding, compassion or interest. They cannot really be blamed, after all, he is different.

And difference is the key to the entire problem, the recognition of, on the part of society, that they have no right to legislate conformity in any but the most basic rules. Obviously the hearing population has the right to expect that the deaf will uphold the laws of the land, but further than that they are exercising unwanted and unneeded help.

One of the major problems as I see it is that deaf children are born to hearing parents, or at least the majority of them are. They are born to parents whose culture has indelibly molded them for untold generations. Concepts of their responsibility to society are clearly delineated. Expected attitudes toward children and child rearing are a case in point. Even if a parent hates his children he is not allowed to show it, and though the child himself may experience these feelings emanating from a parent, society will not look kindly on the parent who refuses to play the role prescribed.

The situation is even worse for the hearing parent of the handicapped youngster. When parents prepare for the birth of a child they enter into a fantasy world of planning. For nine months they imagine, wonder and generally organize for the future. Parents plan names, fantasize about the child's potential in life and even talk of college or vocation, and so it is when the

child is discovered to be handicapped, this fantasy is destroyed. In a sense their child has died and they must now face the shocking reality of having been given another child. Bloom (1963) has described this happening by saying the parent enters into a period of mourning for his lost infant and his studies have shown that this period of mourning lasts for about a year after the child is diagnosed.

Once the parent discovers the deafness a multitude of reactions occur. Often the parents' first reaction is guilt. They reason that because the child is physiologically a part of them then they are somehow responsible. Guilt may often manifest itself in the form of "God is punishing me for-----" by giving me a deaf child. Unfortunately, medical practitioners are woefully unaware or at least unable to realize the needs for counseling at this point and so the guilt is often carried for life. Another reaction is that of self-pity, "Why did it have to happen to me?" Although self-pity is one of the short-lived emotional reactions to deafness, it renders the parent ineffective at a time when decisive action is needed. This is a period when positive planning is needed to assure that proper diagnosis of the problem has taken place and a time for developing real understanding of the child's needs educationally, prosthetically, and most of all, emotionally.

More subtle, but still a negative factor, is pity for the child. The parent who experiences feelings of pity toward his child will probably react by trying to live life for the youngster by overprotecting, spoiling and otherwise thwarting normal compensatory systems that a healthy handicapped child would develop for himself. Additionally such behavior can have a deleterious affect on siblings. I remember once while working as an audiologist in a school for the deaf seeing the 14 year old sister (hearing) of one of our students. She had suddenly developed deafness, ostensibly as a result of a fall.

Hearing tests showed that she was malingering. After several hours of counseling it was discovered that this child resented terribly the special attention her parents gave to the deaf sibling.

Finally, think about the following two facts in light of what I've just said:

1. The divorce rate among parents of deaf children is statistically higher than normal.
2. The divorce rate between deaf and hearing persons is 400% higher than normal.

In the beginning, as with many people, parents and professionals alike, I saw residential education as one of those necessary evils that exists because deaf children don't get themselves born in the appropriate geographical locations. Somehow they manage to be born to all kinds of people located in some of the most remote corners of the 50 states, places like Dalhart, Texas, Needles, Arizona, and Houghton, Michigan--in short, in places where the population is so small the board of education could not possibly support a class of deaf children let alone an ongoing program from preschool through high school. Thirty years ago these children would automatically have been sent to a residential school.

If the child had hearing parents, the decision would have been made with great reluctance after several years of seeking out alternatives; and finally when the day came to put the child in the "institution", there would be a great outflowing of emotion at the thought of "committing" a loved one. However, even 30 years ago, the deaf parent approached the situation differently. Deafness could be accepted, not happily perhaps, but with an understanding that only comes from being deaf. I think it would be accurate to say that the deaf parent weighs the child's needs against his own and decides more readily that his child's needs

are best met in an environment that devotes itself completely to the child's needs, in an environment that recognizes deaf people as a society apart from the hearing in matters of communication and social interaction and in an environment that provides the opportunities for lifelong friendships and most importantly the opportunity to join a population large enough to select an appropriate mate.

Today the situation is vastly different. Parents are demanding that the local school districts provide for the deaf child. We have entered the age of lawsuits and legislative pressure. Many, my very dear colleagues, afraid of incurring the wrath of militant parents, have developed instant philosophies to cover the situation. Suddenly anecdotal journal articles are showing that education in public day schools and county programs is superior to residential placement. Public School Special Education Administrators speak of residential schools as though they were gigantic wastebaskets providing a care and custody function. In the place of the residential school they recommend integrated units within the framework of the public schools. Or worse, they develop a monolithic structure for all the handicapped in a given area. (There now, we've got them all in one place!)

One of the greatest problems in programming for deaf children is our inability to differentiate between what we believe is right and what scientific investigation shows is right. Unfortunately, we have a tendency to support science only as long as it confirms what is in our hearts. A case in point is the Quigley-Frisina study (1961), which showed, among other things, that the psychosocial development of residential students was at least as good and perhaps even better than day school students.

Somehow this information doesn't fit with our parent-oriented inner feelings. We would much rather preserve what I call the Oliver Twist Syndrome (OTS).

The Cliver Twist Syndrome comes from years of fairy tales, television and the notion that a child can learn more and more comfortably with a parent than a stranger. More often than not, residential schools are viewed by parents, parent-professionals and prospective parent-professionals as a last resort when all else fails, a place not fit for their own children and therefore not for the children they must refer to educational programs. It is a tragedy when a parent-audiologist or a parent-teacher of the deaf identifies so strongly with the parent of the deaf child that he or she will allow that identification to obscure reality and hence what is best for the child.

I am not saying that every child should be referred to a residential school, or even that most deaf children should, but I am saying that too many recommendations are made to too many residential schools for too many wrong reasons. Let me give you some common examples I experience regularly:

1. He is retarded or hyperactive
2. He has no speech potential
3. It's time for a vocational education
4. There's no other place to send him
5. He comes from a culturally deprived family
6. His mother works nights
7. He's 12 years old and never been in school
8. His parents are troublemakers
9. His parents are deaf
10. I can't handle him

I like to refer to those colleagues as six-hour specialists. They view the deaf child through a six-hour-required-by-law-slot. Let me describe one of these classes to you. As a consultant to public schools over a 12 year period I have seen hundreds, but the one I am about to describe exists now, at this minute, and is, by my standards, as typical as you can find. First, there are five children in the class. That would appear to be a positive, if you viewed it by numbers alone, but let's look at the makeup: A boy with a degenerative physical condition, minimal hearing loss, excellent speech, mildly mentally retarded. A boy mildly hard of hearing, severely disturbed, possibly dangerous to others or himself. Two girls, deaf, average intellect. One girl, emotional problems, moderately hearing handicapped. What do these children have in common? **THEY ARE THE SAME AGE!!!**

The generally accepted incidence formula for deafness is one-tenth of one percent. Now this may not mean much to you so let me translate it to something more meaningful. One-tenth of one percent is one in a thousand, but this figure represents all ages and we are talking about children of school age. Therefore, if the average life span is 75 years and school age is a period of 13 years, 13 is almost one-sixth of 75 years. This would make the incidence of deafness in school age children approximately one in 6,000 instead of one in a thousand. To be a bit more dramatic about it, if you stood on the busiest street corner of your hometown, 12,000 five-year old girls would have to pass by you before you found one who is deaf. Now just for fun let's start building a program for deaf children in your town or school district (perhaps you don't care if the boys and girls are evenly divided (residential schools often do) so the magic number is only one in 6,000. Naturally a meaningful program for deaf children runs from at least K-12. (We won't argue about deaf classes being ungraded, etc.) Each class probably should have at least six children. If we have only one class at each level, we will have 77 children representing a general population of 432,000 people. Now it's unfortunate but

true that the people who gave us the statistic of one-tenth of one percent didn't point out that deaf children come in a few categories that don't lend themselves to homogeneous class groups. First there is an intellectual difference. For simplicity sake let's just call them slow, medium and fast. Unlike their hearing counterparts these categories shouldn't be grouped together. So let's go back to the street corner in your hometown and look for a five-year old deaf girl who is additionally a slow learner. This time you must wait (better get a chair) for 36,000 five-year old girls to pass before you find the child you are looking for. If you still think you can program for this population by providing three classes at each level you had better plan on a general population of 1,296,000 people (1960 Census, 1,411,330 in Nebraska). For your edification the children in our school represent a general population of 3,300,000 people. We draw them from 177 school districts in 19 counties and we still don't feel we have the appropriate groupings necessary for a good educational program. In addition, it should be quite clear by this time that the above data implies that all children at all ages in all groupings will:

1. Start and finish in your program
2. All progress at a constant rate
3. Distribute themselves equally when you set up the program

The Expanded Center School Concept is a structure based on geophysical and cultural factors, both described previously in this paper. If one subscribes to these ideas then the expanded center school concept could quite easily become a reality. It simply requires that existing schools for the deaf become the center of activity for all educational programming. Then by drawing concentric circles around the school representing minutes of distance other centers are placed to determine the location of satellite centers. In some instances these

satellites will be larger than others dependent upon the population density, but in all cases the educational program will dovetail with the program of the Center School. Children would be moved from one satellite to another or to the Center School dependent upon the child's needs, programming offerings, availability of personnel, or transportation. The decision to place a child in the Center School as a residential student would be based solely on distance to the nearest appropriate program. To achieve this structure is to imply independence from economic factors, state and local boundaries, and most importantly, the personal empires and philosophies of school administrators and state officials. To do this we must work together. We must set aside prejudices of oral versus manual, of day versus residential, of public versus private, and of state versus district. We must leave our Ph.D.s and status binding titles at home for a change. Marshall McLuhan has even suggested taking off all our clothes when meeting to discuss important issues. I am quite sincere when I say I would even go that far if I really thought it would help.

Finally, the Expanded Center School Concept is based on the cultural factor. As I have said previously the deaf are a sub-society. This is not a popular concept with hearing parents. For years we have told them quite the opposite. We have changed our own titles in an attempt to make the deaf child appear to be a hearing child with an acoustic problem. We must now take the position that it is the parent who will have to adjust not the child. It is the parent who will have to learn a new communication system first in order to teach the child. And it is the educator who will have to educate the parent in the first place. And in a few years you will know whether you were successful when you can stand back and ask the following ten questions and get all affirmative answers:

DO WE PROVIDE:

1. An environment that lives and breathes pride in self?
2. An environment that recognizes and understands that the needs of the deaf are different from the needs of the hearing child?
3. An environment that puts the teaching of language before the teaching of speech or any subject matter?
4. An environment that offers growth by recognizing social and emotional needs in areas other than academic ones?
5. An environment that nurtures ethnocentrism in deaf children and the deaf community?
6. An educational system offering preschool through secondary education with alternatives for vocational education or post-secondary study?
7. Trained/certified teachers and administrators who can provide continuity of programming year after year?
8. Adequate supportive personnel in art, physical education, media and diagnostics?
9. An appropriate physical environment for the child to live and learn in?
10. An environment that makes parents an integral part of the educational program?

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Testimony - Senate Sub-Committee on Handicapped - on S.6 "Education of All Handicapped Children Act"
 Diagnostic Center, Rt. Carmel Oaks, Truents, New Jersey April 9, 1973
 by Dr. John Harrington, Chairman and Acting Director, Bureau for Hearing Handicapped Children, New York City Board of Education

Honorable members of the Senate Sub-Committee on the Handicapped. My name is John D. Harrington and I am the Acting Director of the Bureau for Hearing Handicapped Children of the New York City Board of Education. Our public school programs for the hearing and language impaired serve over 800 deaf, 1,000 hard of hearing and 400 language impaired children and youth. The New York City programs are exemplary but there are insufficient funds to meet the problem sufficiently.

Only within the past ten years have we been able to establish, and with great effort, a number of resource rooms for the hard of hearing. Prior to that we had only itinerant services for the hard of hearing with a teacher case-load of 60-70 children per teacher. We need more resource rooms.

The School for the Deaf in New York City has been absorbing children deafened by the 1963 rubella epidemic on a very limited basis until recently because of the lack of funds to meet the dramatic increase in handicapping conditions resulting from that epidemic. Some of these children are entering school for the first time at eight years of age when they should have been admitted at three.

Language impaired or "aphasic" children had no functioning program in the City prior to 1961. A program now exists and referrals are coming through at a rapid rate. There are no medical or research services available to this complicated operation.

Our secondary programs are dependent upon programs in existing facilities for the hearing. Often such provisions are entirely too limited and inappropriate to serve the complex needs of the hearing handicapped secondary student who needs a fully developed career program to prepare him for meaningful adulthood.

Only last week the Rehabilitation Act was struck down in Washington placing greater stress on educationally funded programs to achieve employability.

Our public school programs function in old extended quarters with poor acoustics conditions and limited equipment.

The reason for these problems is not lack of concern or lack of professional expertise. The reason is limited and unclear funding.

The City does not receive funds earmarked for handicapped children. We must compete with other almost catastrophic needs of the City for the funds coming from the State. The State is not able to provide sufficient funds for adequate programming and it does not do so on an "earmarked" basis.

Federal help has been of considerable and efficient assistance in the past few years. It has reached down and touched deaf children and people with captioned films, media equipment, summer and other innovative programs, with the National Technical Institute for the Deaf and projects under the Vocational Education Amendments. In some parts of N.Y. State the only help available to parents of deaf children under five is through Title VI funding.

The Williams Bill provides financial assistance to the States for improved educational services for handicapped children. It would make possible significant growth and expansion in progress since the States would receive 75% of the excess cost of educating a handicapped child. I've been present at local meetings in the City where parents of normal children openly state that they don't wish their money to go to expensive programs for "these children."

The Williams Bill would provide for federal aid under a centralized and uniform system - rather than on the basis of the whim, caprice or particular ideology of a particular state or city relative to the spending of funds to educate the handicapped.

I did a survey of funding of the larger public day schools for the deaf across the United States in June of 1972. I found almost as many specifically different funding patterns as there were day schools and I found many of the city public day schools in real financial trouble.

Some cities and some states find that they have a disproportionately large percentage of handicapped persons within their constitutions. Families move to cities in sections where there are programs underway. Other areas, then, have less responsibility in the education of handicapped children. One of the values of the census-cost plan is that areas which undertake the education of larger numbers of exceptional children will not be penalized for fulfilling their civic responsibility to the learning disadvantaged.

The hearing impaired have fared better than other areas of the handicapped with respect to the quality and quantity of programs provided. There are still great needs, but it should be pointed out that almost nothing exists for the emotionally disturbed child, the multiply handicapped child or the retarded deaf. Programs must be established for them and the Williams Act provides the wherewithal and the encouragement to proceed.

We would also urge that the Senate Bill S-496 be reported to the floor as soon as possible so that the Bureau for the Education of the Handicapped may continue to serve in its many capacities and roles as the major national advocate of the handicapped in the United States.

There are times of tough budgets and community involvement. Under tough budgets special programs go down the drain - and our parents of the handicapped though organized are not always strong enough to fight for their rights within the total community. No one wants handicapped children overprotected or placed in a special funding category without good reason. But it is clear that handicapped children are entitled to equal education under the law. To make equal educational opportunity for the handicapped possible during these times, a principle or formula as established by the Williams Bill (census cost) and Senate Bill S-496 is not only warranted and logical; it is almost by definition mandated.

Senator WILLIAMS. This subcommittee hearing stands adjourned.
[Whereupon the subcommittee was adjourned.]

EDUCATION FOR ALL HANDICAPPED CHILDREN, 1973-74

MONDAY, MAY 7, 1973

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Boston, Mass.

The subcommittee met, pursuant to notice, at 10:10 a.m., on the plaza level of the Children's Hospital Medical Center, 320 Longwood Ave., Boston, Mass., Senator Harrison A. Williams, Jr., chairman of the full committee, presiding pro tempore.

Present: Senator Williams.

Staff present: Mrs. Patria Forsythe, professional staff member; Michael Francis, Staff of Senator Stafford; Lisa T. Baker, professional staff member; Roy Millenson, minority professional staff member.

Senator WILLIAMS. This is a hearing on S. 6, the Education of All Handicapped Children's Act. I know we have all gotten off to a good beginning this morning and have been refreshed by the hospitality of the Children's Hospital Medical Center and staff and its directors.

We are pleased to have Dr. Allen Crocker, director of the Children's Hospital Medical Center, who we will hear from first. Dr. Crocker.

STATEMENT OF ALLEN C. CROCKER, M.D., DIRECTOR, DEVELOPMENTAL EVALUATION CLINIC OF THE CHILDREN'S HOSPITAL MEDICAL CENTER, BOSTON, MASS.

Dr. CROCKER. I bring a message of welcome to Senator Williams, his staff, and the guests. The Developmental Evaluation Clinic at the Children's Hospital Medical Center is gratified to be providing the base for an occasion when the creative planning of educational supports and services for all handicapped children is the order of the day. We have the belief here that the nicest adults one can meet are those who have special concern for children. We know that today will be a provocative and energizing day, and we say—welcome, brothers and sisters.

The Children's Hospital provides an atmosphere of historic and current involvement with the needs of special children. Diagnosis, treatment, research, and planning and development in the area of the handicapped child, have been a preoccupation for more than a century. There have been particular contributions, for example, from the departments of pediatric neurology, neurosurgery, child psychiatry, genetics, neuropathology, orthopedics, and ophthalmology. The pediatric sciences building, where we are now meeting, is the location of the mental retardation and human development research program,

directed by Dr. Charles F. Barlow, one of the 12 units of the Mental Retardation Research Centers project sponsored by the National Institutes of Health. Through the window at the rear of this room one can see, among the other Children's Hospital structures, the Fegan Memorial Ambulatory Services Building, which houses the Developmental Evaluation Clinic. This clinic, the "D.E.C." for short, is one of the components of the network of university affiliated facilities for mental retardation—the "U.A.F.'s"—which derive special sponsorship from the Maternal and Child Health Service—of H.S.M.H.A.—the Developmental Disabilities Division of S.R.S., and the Office of Education. You are in a territory of strong outreach regarding the needs of the special child. Welcome, brothers and sisters.

The staff of the Developmental Evaluation Clinic—the "D.E.C."—feels a vigorous concern for the outcome of legislation such as S. 6, proposed by Senator Williams. We are familiar with the constraints which presently exist and have a limiting effect on the potential identification of, and delivery of services to, handicapped children. Our particular mandates are for the multi- and interdisciplinary training of manpower in the child care professions, and for the regional, State, and community planning within the developmental disabilities program. A major effort is devoted to providing liaisons between clinical services and educational facilities for children. We offer pertinent professional commitment in special education, rehabilitation, speech pathology and audiology, motor function studies, assistance to family adaptation, anthropology, occupational therapy, dentistry, and nutrition. Work proceeds through university campuses, public and private school systems, preschools and day care programs, health centers, community residences, guardianship agencies, the courts, parents' groups, the mental retardation area boards, and special task force groups. Multidisciplinary evaluation of special children, for both service and training purposes, and correlation of this work with schools and care facilities, is a large portion of our activity. To you who also feel the need for implementation of services to special children, we say—welcome, brothers and sisters.

The D.E.C. is concerned with communications. In addition to the regular curriculums, we have organized or hosted workshops or symposia in recent months on early childhood stimulation, early screening and assessment of children at risk, and a better understanding of developmental disabilities. Others are planned on special children in the schools, on psychiatric approaches to mental retardation, and on learning disorders. We are talking with the public, as well, whenever possible. Certain kinds of special children are receiving particular studies and programs—such as those with Down syndrome, congenital deafness, PKU, other inborn errors of metabolism, and increased lead burden. We are excited about the potential for increased services—including education and training—to be derived from legislation like S. 6. To you who are gathered in this concern, we say—welcome, brothers and sisters.

The staff of the D.E.C. hopes that Senator Williams, the committee, and the witnesses and guests, will find the circumstances here cordial and supportive. We would be pleased to discuss the role of the training unit and evaluation center in more detail with any who wish it, including at the conclusion of today's hearing. A visit from you pleases

us. We look forward to today's discussion, and hope that it results in a strong yield of useful testimony. Please take empathetic wishes from all of us, and a declaration of—welcome, brothers and sisters.

Senator WILLIAMS. Well, you made us feel very, very welcome, Dr. Crocker, and we greatly appreciate this opportunity to have this regional hearing with you here.

This marks the second in a series of regional hearings of the Subcommittee on the Handicapped to review and take comments on S. 6, the Education of All Handicapped Children's Act.

I originally introduced this bill just a little less than a year ago. Since that time, we have received letters and comments from all parts of this country. Those letters and comments have come from Governors and State legislators; from professionals in this field and from parents. They all tell a similar story; the story of a tragic search for appropriate and universal educational services for handicapped children in the face of inadequate programs and a lack of fiscal resources.

We held our first regional hearing a month ago in New Jersey at which we heard from witnesses representing the Middle Atlantic States.

As you would expect, we of course heard about the inadequacy of existing programs.

However, we also heard from parents whose experience provided a most compelling reason for enactment of this legislation. These were parents who were able to describe what you can call success stories.

These parents represented the lucky few who because of the accidents of geography or chance contact had managed to find training programs.

They were able to tell us just how well good training programs work and how much they mean in human terms.

I particularly remember one mother who expressed her gratitude at finding services for her child. She said:

At least we know that we are not at fault, that there are services that can help my son, and I can now have the same hopes and dreams for him as other parents have for their children.

Heartwarming as her experience is, it also illustrates the true tragedy of the situation. Because it shows what can be accomplished if only the services are provided.

The simple facts are that while most States have statutes which declare that it is the policy to provide a free public education to all children, that policy often is meaningless when it comes to handicapped children.

The results of this are clear: Thousands of handicapped children have been denied their right to an education, clearly separate and unequal treatment.

This situation has begun to change—through court action and through the elimination of exclusionary clauses in State legislation. Some States represented here have made this change.

The hearings in New Jersey, however, made another point which we must remember.

In testimony from parents and organizations who were involved in the Pennsylvania consent decree on the right of mentally retarded children to an education, we learned of the fantastic strides that

that State has made in providing comprehensive services to mentally retarded children.

However, these witnesses also told us: That the court decree has not provided all the services that are needed, nor has it meant that the funds necessary to translate this right into reality are automatically forthcoming or available.

I believe that through our efforts here today we will speed the day when both the right and the reality are a universal, national fact. I would like to include in the record at this point statements of Senator Kennedy and Senator Brooke. We had hoped that these individuals would be able to join us.

**STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR
FROM THE STATE OF MASSACHUSETTS**

Senator KENNEDY. I am pleased to welcome the chairman of the Senate Labor and Public Welfare Committee to Boston for today's hearing on S. 6, "The Education for All Handicapped Children Act."

As a cosponsor of this legislation, I want to commend the chairman for his leadership in this field and for his determination to insure that the 7 million handicapped children in the United States have access to full, free educational opportunities.

The traditional exclusion of handicapped children from the classroom has produced tragic costs. It has meant long hours of needless suffering for these children, and for the Nation it has meant the loss of the benefit of their talents and resources.

The U.S. Office of Education estimates that 60 percent of the handicapped children in the Nation are denied full equality of opportunity, including at least 1 million who are not even enrolled.

In Massachusetts, under the leadership of our education department, we have done better than most States in reaching out to these children. However, even here, totally inadequate resources have been devoted to their educational needs.

The U.S. Office of Education reports that close to 60 percent of the children in our State receive educational benefits. But that leaves almost 40 percent who do not receive those benefits. And the State office of education acknowledges that perhaps 10,000 children receive essentially no services at all in the school system.

However, the prospects in Massachusetts are brighter than in any other State in the Union. Under the leadership of Speaker David Bartley and Representative Mike Daly, the Massachusetts Legislature approved the Special Education Act last year which has as its purpose the guarantee that every child, including the handicapped child, shall be entitled to a free public education. And I am pleased that this measure had the full bipartisan support of Governor Sargent as well.

Nor was its passage isolated from the people who are most concerned. For it was shaped and refined and crafted with the full participation of parents, teachers, professionals and State and private school educational leaders. The task forces now at work on designing regulations are also broadly based and are well on their way to completion.

In a complete revision of the State education laws that other witnesses will detail, this measure has sought to give a new lease on life to thousands of handicapped children.

And I would note that it assumes a full State responsibility for insuring that the excess costs of providing special education programs will be paid back to the local districts.

The intent and direction of the Special Education Act is virtually identical to the thrust of S. 6, the legislation before this subcommittee.

For this legislation makes the same commitment to the States that the Special Education Act makes to the local districts. Under S. 6, the Federal Government will reimburse the States for 75 percent of the excess cost required to educate a handicapped child.

At the same time, the measure protects the rights of handicapped children and of their parents and offers them procedures to protest and prevent improper testing, improper exclusion from schools and improper labeling.

To often, by negligence or by design, handicapped children have been denied the special services that they require to develop their full potential.

This measure will provide a clear, straightforward legislative remedy to end those injustices. It will implement the recent decision of U.S. District Court Judge Joseph C. Waddy who declared that the handicapped child and the emotionally disturbed child have the same constitutional right to equal educational services as any other child within the District of Columbia.

What we are after in this legislation is to re-write one of the saddest chapters in American education, a chapter in which we were silent while young children were shut away and condemned to a life without hope.

This legislation offers them hope, hope that whatever their handicap, they will be given the chance to develop their abilities as individuals and to reach out with their peers for their own personal goals and dreams.

The witnesses today represent every area of Massachusetts and New England concerned with the problems of special education and I am sure their testimony will help document the vital need for the passage of the legislation now before this committee.

STATEMENT OF EDWARD W. BROOKE, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator BROOKE. Mr. Chairman, I am particularly grateful that you have chosen to conduct hearings in our Commonwealth, which last year enacted far-reaching legislation for its handicapped children.

This legislation is the most progressive in the Nation in recognizing the right of a handicapped child to an education and in requiring the public education system to provide those special educational services which answer the needs of handicapped children.

But this law applies to only one State, and even here good intentions are thwarted by a lack of adequate funds. This law is encouraging in that it recognizes our responsibility to the handicapped, but the magnitude of the problem remains.

I am a cosponsor of the Education For All Handicapped Children Act, and there is no bill before the Congress to which I am more personally committed. This bill determines our compassion and responsi-

bility as a Nation, for it tests our concern for our children who most need our help.

There are some 7 million handicapped children in the United States; yet, less than 3 million of the Nation's 6 million school-age handicapped children and almost none of the 1 million pre-school-age children are at present receiving adequate schooling, if any education at all. Thus 60 percent of the Nation's handicapped are at present not being taught in programs sufficient to help them receive a normal education. Most State constitutions guarantee education as a right, but they then deny those very children who must need help in being taught. Most States have legal provisions which authorize school authorities to exclude certain children from public school. Even crueler, however, than formal exclusion is the subtle but very real pressure which is placed upon a handicapped child when he is placed in a regular school classroom and given no special help enabling him to keep up with his normal classmates. The pain dealt a handicapped child in such a situation is incalculable, and it is not surprising that many parents reluctantly, therefore, have to remove their children from public schools, knowing that there is no alternative.

Federal assistance to the States to aid in the education of handicapped children has risen from \$45 million 5 years ago to \$215 million in the past fiscal year. But this is not sufficient to assure the education of the Nation's handicapped children. Limiting the Federal responsibility to demonstration projects and technical assistance is also a form of tokenism that abdicates the Federal Government's responsibility in this area. Local and State governments do not have the funds to provide special education to their handicapped children. Federal Government taxes are not only fairer, they are also the only funds which can be made available in sufficient amounts.

Although we in Massachusetts are providing educational services to about 60 percent of our handicapped as opposed to the national average of 40 percent, we are financially unable to supply adequate, comprehensive services to all. The average cost to provide classes for mentally retarded children, for example, is approximately \$2,000 per child. The cost for a normal child is approximately \$800.

The education for handicapped children would provide Federal financing of 75 percent of the difference between the average per pupil expenditure for a normal child in a State and that for a handicapped young person. Equally important, the act establishes a target date of 1976 for bringing all of the Nation's handicapped children into adequate programs.

I could argue that the greatest benefit of this act would be a financial one, that in the long run it is cheaper to educate handicapped children so that they are able to care for themselves than to be forced to institutionalize many of them. South Carolina alone has estimated that the costs of institutionalization for each four children is \$1 million.

But most of all I urge the passage of this bill because I am horrified that we still treat our handicapped in such a medieval fashion. By example, we teach our normal children that if you have a handicap, society questions your worth and by neglect isolates all but the wealthiest handicapped from the mainstream of American life. Most of all

however, I argue for the passage of this bill for the sake of the millions of handicapped children. Stephen Spender wrote:

No cause is just unless it guards the innocent
As sacred trust: no truth but that
Which reckon's this child's tears an argument.

This cause is just; this law is long past due. We have made millions of our children suffer for too long because we have not cared enough.

Senator WILLIAMS. We are very honored indeed to have the gracious First Lady of Massachusetts, Mrs. Francis W. Sargent, as our first witness. In addition to being a strong advocate of the education of handicapped children here in the Commonwealth of Massachusetts. Mrs. Sargent and I share the pleasure of being members of the Task Force on the Education of Handicapped Children of the Education Commission of the States.

A member of that task force, Mrs. Sargent has been a strong proponent of the rights of handicapped children. It is a pleasure indeed to welcome you to our committee hearing, Mrs. Sargent. I should say that both your Senators had hoped to be here and both are fully occupied at work in Washington and regret they couldn't be here to personally welcome you.

**STATEMENT OF MRS. FRANCIS W. SARGENT, MEMBER OF THE
NATIONAL TASK FORCE ON THE EDUCATION OF HANDICAPPED
CHILDREN OF THE EDUCATION COMMISSION OF THE STATES**

Mrs. SARGENT. Thank you, Senator Williams. Good morning, Mr. Chairman. I feel a rather real sense of urgency within the Commonwealth, and it is this sense of urgency that brings me before you today.

It is with a sense of urgency that I speak before you today. For I have traveled the length and breadth of this Commonwealth during the past 4 years, and I have seen the thousands of children who are being excluded from our society by their inability to receive an education or vocational training.

They are being excluded from their constitutional rights because they were born with a physical handicap or because they developed emotional problems that made it imperative for them to receive special treatment. These are children who, because of their differences, are singled out and made unequal for life. And yet we know what to do for them; it can be done; they can reach their own potential. But they need more help than the average child. The handicapped child can stay within his community, in his home, with his family, his peers. But to stay he and his family have to receive support services.

I am here to testify on behalf of the Williams bill today, which responds to this need. The Williams bill does not do everything. It does not exempt States from their responsibility. It assumes only that part in the total cost of a handicapped child's education, which is over and above that provided to other children. But it is this part—about \$400 to \$800 per child, which has so often provided the obstacle to any education at all for so many youngsters.

Yet this cost is minimal compared to that of providing institutional custody for a child; or the cost to the child and his family physically, emotionally and financially. It is a brutal burden, and one that parents

should not have to tolerate any longer. We have, in this Commonwealth, recognized this burden, and this loss to the community of these lives. During the last session, in a bipartisan effort, the Governor and the legislature jointly sponsored the Special Education bill. This bill goes a long way to removing the discrimination against handicapped children. No longer will parents be forced to send their children away from their communities; instead communities will be repaid for keeping their children within the school system. No longer will children be lumped together, but rather individual and special services will be provided.

There is no question but that this bill will place a huge economic burden upon an already strained budget. But we in the State are caught right in the middle of moral commitment and financial limitation. Morally we cannot permit the educational inequalities between handicapped children and nonhandicapped children to continue; we cannot isolate part of our population; but at the same time the State is mandated to balance its budget. Federal assistance to programs that are ready to be implemented, is imperative.

I know, and so do the Honorable Senators before me, that as things stand today, most handicapped children will remain an economic liability to the State and to our country. But this can change. They can become both economic and social contributors to the Nation. It has been estimated that 90 percent of all handicapped children with appropriate education can become taxpaying citizens. It has been estimated that each handicapped child that received an appropriate education is worth at least a quarter of a million dollars to society; half in reduced welfare and institutional costs and half in increased productivity.

The Williams bill, Senate 6, is therefore an ultimately reasonable solution to the dilemma that States such as Massachusetts find themselves in. It will give that additional assistance which will assure the handicapped children of this Commonwealth a place in this society, as equal citizens.

Senator WILLIAMS. Thank you very much, Mrs. Sargent. You state that this bill, S. 6, does not exempt States from their responsibility and, of course, it does not. You, from your position as First Lady know very well the budgetary demands upon the State; and yet you know the Commonwealth recognizes its responsibility.

Last year legislation was passed here in the Commonwealth that has the same reach as this Federal legislation before us. Now, this bill, S. 6, would work as a companion with your Commonwealth legislation and help to make the promise real.

Mrs. SARGENT. I hope it will help to make it reach everybody instead of only just a few.

Senator WILLIAMS. We have figures on all of the States. I am happy to advise that the Commonwealth of Massachusetts ranks near the top in numbers of handicapped youngsters who are being educationally served. So you recognize this responsibility. We certainly want to be a new part of it. Thank you very much.

Mrs. SARGENT. Thank you.

Senator WILLIAMS. Our good wishes to the Governor.

We will turn now to witnesses who come from State legislatures and who are State legislators who have worked diligently within the States to establish the right to education for handicapped children.

I am extremely pleased to welcome Representative Michael Daley, chairman of the Massachusetts House Education Committee; Senator Bennett Katz, chairman of the Main Joint Committee on Education; Representative Chris Spirou, who is the assistant house minority leader from the State of New Hampshire; Representative Patrick Candon of the Vermont House of Representatives; and Ms. Peggy Maxwell of Speaker David Bartley's staff, who will represent Speaker Bartley and present his statement.

Now, gentlemen, should we hear from Speaker Bartley first or his representative, Ms. Peggy Maxwell?

Ms. MAXWELL. Speaker Bartley regrets that he isn't able to be with you this morning, but he asked me to make this brief statement in support of S. 6.

STATEMENT OF HON. DAVID BARTLEY, SPEAKER OF THE MASSACHUSETTS HOUSE OF REPRESENTATIVES, PRESENTED BY MS. PEGGY MAXWELL, RESEARCH ASSISTANT TO SPEAKER BARTLEY

Ms. MAXWELL. I am very pleased to have the opportunity to offer my support for what I believe to be one of the most important pieces of legislation before the Congress of the United States this year. Senate bill 6 seeks to address itself to the existing inadequacy of education for children with special needs.

For far too long these children have been neglected and excluded from our free public education systems. It is time for all of the States and the Federal Government to take a strong stand to guarantee all children an education regardless of their particular handicap.

Last year the Massachusetts Legislature took the first step forward in this process by enacting the Special Education Act of 1972. This new law will become effective in September of 1974.

Senate bill 6 and the Massachusetts Special Education Act are of the same intent and contain very similar provisions. Among these are the provision of special education for ages 3 to 21, financial reimbursement which is based on the excess costs incurred for special education, the rights of parents to an independent evaluation for their child, a specific plan for an appropriate education program for a child, the right of parents to due process of the law, and a State advisory panel which is representative of individuals concerned with handicapped children that will review and make recommendations for special education programs.

As a cosponsor of the Special Education Act, I am very proud that this proposal is now law in Massachusetts. However, it is not enough that 1, or 10 or 20 States enact such laws. Every child in this country must be guaranteed an equal educational opportunity.

Senate bill 6 is the means to achieve this end. Senate bill 6 will provide not only the legal basis to achieve this goal but also the financial assistance so necessary to the States today.

I sincerely hope that the Members of Congress will in their wisdom see fit to enact this most important legislation.

Senator Williams, I would like to include an additional statement for the record, and will answer any questions you have.

**ADDITIONAL STATEMENT OF DAVID BARTLEY, SPEAKER,
MASSACHUSETTS HOUSE OF REPRESENTATIVES**

The education of this country's "special" children—the emotionally disturbed, physically disabled, or mentally retarded—has been sadly neglected in a nation otherwise reknowned for its medical breakthroughs and educational achievements.

Handicapped children have often been ignored, condemned unnecessarily to a lost and confused life. Children have been denied an education because of their adjudged incorrigibility or maladaptive behavior or because many local communities have long resisted measures to inaugurate publicly supported curriculums for the handicapped as a misguided economic measure.

Massachusetts, the site of the first public schools in the American colonies, is continuing its tradition of pioneering in education with the enactment of the Special Education Act of 1972. This legislation distinguishes Massachusetts as one of the first States in the Union to provide an education for all its citizens—handicapped as well as healthy.

The Special Education Act is not permissive. It is mandatory. Children once considered "impracticable to educate" are now guaranteed a free public education. It is also possible that the basic changes present in the new legislation will improve the education of all the children in the State, recognizing the validity of Plato's observation, "The direction in which education starts a man will determine his future life."

Approximately 100,000 Massachusetts children currently not attending school because of the lack of either suitable programs or facilities will be the chief beneficiaries of the act. Existing programs will be revitalized, new programs will be introduced and needless institutionalization will hopefully be completely eliminated.

In "Suffer the Children," a report prepared by the Task Force on Children Out of School, an investigation was conducted of those children currently not attending classes, including 3-year-old Jimmy who was diagnosed as suffering from a severe retardation secondary to organic brain damage. The final evaluation of the child by the Department of Mental Health merely recommended a reevaluation in an out-patient clinic in a period of 2 years, when the child obviously needed immediate attention.

Unable to find help in other mental health facilities, Jimmy's mother took him back 2 years later for the evaluation. The same diagnosis was made, including the same recommendation: the need for an out-patient reevaluation—this time in 3 years.

Severe overcrowding and arbitrary age requirements combined to prevent Jimmy's acceptance in a program suited to his needs. To this day, Jimmy has had no help and children like Jimmy need professional attention at an early age—the older they get, the more difficult it is for them to benefit from treatment.

The Special Education Act will enable these children to receive the special assistance they need at the crucial stages in their development. By requiring the local communities to institute the necessary programs, the overcrowding in the few existing schools will be alleviated—and

each child will have the legal right to an education geared to their needs and abilities.

Barbara Cutler, the Massachusetts president of the Association for Mentally Ill Children emphasizes the importance of the Special Education Act as the legal guarantee of an education to every child.

Mrs. Cutler's son, Robby, is a special child and she describes her struggle to obtain help as a nightmare. Robby alternated between some and no services at all, and on at least one occasion, Mrs. Cutler was forced to enroll Robby in a substandard program when nothing else was available.

His mother believes that Robby, now 16, has not achieved his potential due to this lack of appropriate education at an early age.

Why wasn't Robby, whose plight was the rule rather than the exception, given the assistance he needed?

Under the earlier programs, Mrs. Cutler felt she was caught between mental health services and the Department of Education. Robby was repeatedly being evaluated and chronically left without services. Mrs. Cutler experienced a general indifference and lack of concern by the officials of agencies and school departments. She said:

People feel it's nobody's problem but the parents and children who are "different" are excluded.

That indifference and that exclusion will now be illegal under the provisions of the Special Education Act.

Currently Robby is in a special class in the public school system in the family's community. The class began reluctantly and many expect it to fail. The success of Robby's program perhaps illustrates the formula of the legislation; namely, integration whenever possible.

Children like Robby who are too handicapped to attend regular classes benefit merely from being in the small building, or eating lunch with the other children. Mrs. Cutler recalls, "When kids say hello now to Robby outside school—when we're out walking or shopping, it means so much to him to be recognized."

One of the most significant accomplishments of the legislation is the removal of statutory labels such as "mentally retarded" or "emotionally disturbed." Such categories can stigmatize a child, emphasizing his weakness and setting him apart as different.

The label may act as a self-fulfilling prophecy: The child becomes what he is called. Inflexible typing diverts attention away from the educational potential of a child and tends to define him as inferior.

The discouraging effect of such classification can be devastating to the progress of a handicapped child. For that reason, the out-dated labels are to be replaced by the category, "children with special needs." Classifications of the children would of course continue, but only for diagnostic and placement purposes. In other words, the labels will now be in the hands of professionals trained to develop and use them.

Removing the statutory categories, however, doesn't erase the special needs of the children. The placement of a child in a particular program is crucial to his development and will be carried out by an evaluation team of experts. These placements and programs will then be subject to an annual review.

The importance of expectations in dealing with a handicapped child cannot be overestimated. Every child has a learning and training

potential that can be tapped. In fact, the National Association for Retarded Children estimates that 90 percent of the children now classified "retardates" have the ability, given the proper training, to enter the labor market, thus becoming taxpayers, not tax drains.

Every effort will be made to integrate the special child into the established educational framework. The Special Education Act avoids physical segregation of the children whenever possible.

In order to minimize the number of handicapped children traveling long distances to schools outside their communities or even outside the State, the Special Education Act emphasizes the responsibility of the cities and towns to provide an education for all their children.

Of course, a child that requires full-time residential supervision or assistance that a public school system is totally unable to give will continue to attend the proper private school at the State's expense.

Of particular interest to the local communities is the increased State reimbursement program provided for in the new legislation.

Every local community will be required to bear part of the costs of special education. The State will reimburse them up to 110 percent of their costs for special education in excess of the statewide average per pupil expenditure for the particular program. This is a marked improvement on the previous piecemeal method of reimbursement.

The parents of special children will be an important part of their placement process. Regional boards, half of whose membership will be composed of such parents, will operate in a watchdog capacity over the programs. These advisory bodies will make recommendations to the Department of Special Education and if no action is taken by the Department to implement these recommendations, an explanation must be given to the advisory board.

Interestingly, Massachusetts is accomplishing through legislation what other States are under court order to carry out. A special three-judge panel in Philadelphia ordered Pennsylvania to provide a free education to all retarded children in the States. The decision came on a suit brought by the Pennsylvania Association for Retarded Children that charged it was unconstitutional for a school psychologist to ascertain whether or not a child was "educable."

The legislation received widespread citizen support and prompted the formation of the Coalition for Special Education. Members of the coalition included the Association for Mentally Ill Children, the League of Women Voters, and the Massachusetts Congress of Parents and Teachers. In all, more than 25 groups representing parents and professional people actively supported the passage of the Special Education Act.

As with any law, approval by the legislature is the first hurdle, implementation the second. The act establishes the division of special education as the center of responsibility for regulating and enabling school committees to develop special programs. However, regulations pertaining to programs for children with special needs must be issued jointly by the Departments of Education, Mental Health, and Public Health. These departments must work to coordinate their efforts to insure efficiency in implementation and the success of the legislation's goals. The regional pattern of accountability is expected to streamline the supplying of services to these children.

While some may point to the initial costs of the Special Education Act as a disadvantage, the long-range accomplishments cannot be overlooked. In fact, the programs will actually cut State costs by enabling these children to become productive, taxpaying members of society, not simply additional tax burdens. Juvenile delinquencies, truancy, and unnecessary institutionalization will be reduced by the introduction of new programs that treat the child's problem, not merely the symptoms of that trouble.

Mrs. Cutler, and parents like her, are hopeful that the Special Education Act will be implemented speedily. Excuses of no money, no room, or no programs will not be tolerated.

The time for abandoning archaic philosophies and outmoded programs with respect to the handicapped is overdue. Countless lives have been wasted because of inadequate or overly rigid treatment of special education needs. The neglect of handicapped children is indeed the tragedy of American education.

Massachusetts has taken a step toward the elimination of this needless waste of human potential, realizing that what we invest in our children, we invest in the future.

Senator WILLIAMS. I understand that it was the speaker and Representative Daley that introduced the Massachusetts legislation, is that right?

Ms. MAXWELL. Yes.

Senator WILLIAMS. Just to get a little comparability here, how long after introduction was that enacted into law?

Ms. MAXWELL. It was very fortunate because last year was the first time it was introduced and it was signed into law by the Governor last year also.

Senator WILLIAMS. Well, we can't equal that. This bill was first introduced last year and reintroduced this year, the Federal bill S. 6. We can't equal your response to the need legislatively, but we will certainly try to catch up. What is your position again?

Ms. MAXWELL. I am research assistant to House Speaker Bartley.

Senator WILLIAMS. Did you work on the development of the legislation here in Massachusetts?

Ms. MAXWELL. Yes, I did, Senator. We are very fortunate in Massachusetts. We had a wonderful coalition for special education that contacted groups and sought support for it and we are behind this all the way. It is made up of these organizations such as the Association of Mentally Ill Children, the Massachusetts Association for Retarded Children, various other parent groups all involved with handicapped children. And they all worked together and met many times and were just fantastic in support of the legislation.

Senator WILLIAMS. These were all groups within Massachusetts that you are addressing yourself to?

Ms. MAXWELL. Yes.

Senator WILLIAMS. Did you counsel with national organizations in developing the legislation and seeing it through to passage?

Ms. MAXWELL. No. The contact that we had, we had contact with the Massachusetts Association for Retarded Citizens who, I would assume, would have been in touch with their nationals. We didn't deal directly with the national levels, but the State.

Senator WILLIAMS. And its effective date is September of?

Ms. MAXWELL. 1974.

Senator WILLIAMS. Are you familiar with the plans now for phasing in the program as spelled out in the new law in the State or Commonwealth—what do you like to say, State or Commonwealth?

Ms. MAXWELL. Commonwealth I think is referred to as much as the State.

Senator WILLIAMS. You are not chauvinistic about this commonwealth business, are you?

Ms. MAXWELL. Not at all.

Senator WILLIAMS. How about the State phase-in on the financing community level of the provisions of this law, is that being developed now?

Ms. MAXWELL. Well, at the present time I think Dr. Rice is here from the division of special education and can probably explain a little bit better than I can what they are doing. But there are many task forces working presently to develop regulations and develop toward going out and explaining to local communities what the legislation says and how they will be affected by it.

We determined last year working on the legislation to use the costs presently being encountered in Massachusetts for special education. We ran them through on a computer based on the new formula.

As time goes on we expect that the costs will increase for a time at least because we expect that more children will be served. Now, whether or not in the long run we perhaps will be able to bring some children back from private schools, that maybe through development of better programs to be serviced at home, and perhaps there will be some funds there, we expect for a while children will certainly have to remain in private schools; the local communities won't be able to help them right away.

In the long run maybe the cost will balance out; it will decrease in one and increase in the other in local programs.

Senator WILLIAMS. Thank you very much, Ms. Maxwell and our thanks to Speaker Bartley. We will move on. We have just found out that Representative Daly and Senator Katz will not be here, so I will include their testimony at this point in the record.

STATEMENT OF REPRESENTATIVE MICHAEL DALY, CHAIRMAN OF THE EDUCATION COMMITTEE, MASSACHUSETTS HOUSE OF REPRESENTATIVES

Gentlemen, I would like to spend a few minutes with you to describe the unique relationship the bill before you today, S. 6, and a law we recently enacted in Massachusetts bear to each other.

If the same hand had drafted the document before you and chapter 766 of the acts of Massachusetts, 1972, our new Special Education Reform Act, they could be no closer in intent, in spirit, in mandate and even in the concepts underlying their schemes of funding. Were you to take favorable action on S. 6 and its provisions were to become fact, Federal and State governments would have united as never before on behalf of children who have historically been defined out of the system. I urge that you take enthusiastic favorable action on behalf of S. 6.

It is not surprising that our efforts are so close, since they spring in part from a common source—a nationwide movement on behalf of the educational rights of children with special needs. This movement has become manifest in the growth of coalitions for legislative action in many States, specifically resulting in Massachusetts in a coalition of over 30 organizations dedicated to the passage and the successful implementation of 766. The movement has, as you know, found strong support in several judicial decisions striking from State statutes those definitions or limitations that would obstruct the handicapped child from his full educational development and affirming with increasing clarity every child's right to full educational opportunity. It also has resulted in some States in new, far-reaching overhauls of State laws meant to provide for children with special needs. Thus, we were successful here in 1972 in passing chapter 766.

There are many parents and others directly affected by this legislation here to speak with you today, and I do not wish to take time that could be theirs. I would, however, like to call your attention to some of the many points of agreement between the proposal before you and chapter 766 of the acts of 1972 in Massachusetts.

First of all, our new law and S. 6 share a strong commitment to the development of a careful and thorough education plan for each individual child with special needs. Our law insists on such a process and on the rights of children to alternative evaluations and programs if the parents wish to follow such a route. I applaud, therefore, the insistence in S. 6 that to be eligible for funds, a State insure that each child have a written program developed for him and that due process and full inclusion be guaranteed parents in the development of such a program.

Second, our chapter 766 establishes regional and State advisory councils including parents, teachers, and others concerned with programs for special children. S. 6 reflects a similar concern, insisting upon the existence of such advisory councils in States for eligibility. I would, however, suggest that that section of your bill be even stronger. Unlike chapter 766, S. 6 does not call for regional councils with the authority to monitor programs and act in an advocacy role on behalf of children whose needs are not met or to press for the replacement of programs that consistently fail to do the job.

I applaud especially in S. 6 a funding formula which unlike so many others, seems to be based on a discoverable and rational principle—namely that a public agency on a local level ought to be as responsible financially for the provision of educational services to children with special needs as for any other child. Recognizing the extra costs involved in special education, S. 6 would have 75 percent of the excess costs paid by the Federal Government. In the same direction, our State law will have the full excess cost of special education paid by the State.

By offering such an incentive and such strong qualitative criteria and guidelines, S. 6 could, if enacted, provide the major push necessary to encourage other States to make as full a commitment to educating children with special needs as has Massachusetts. Its passage would, as far as Massachusetts is concerned, greatly enhance the chances of successful implementation of our new law. We cannot

afford to fall short of our goals for handicapped children; and I welcome this committee to the movement to make sure that we achieve them.

**STATEMENT OF HON. BENNETT D. KATZ, MAINE SENATE,
CHAIRMAN OF THE COMMITTEE ON EDUCATION OF THE STATE
OF MAINE 106H LEGISLATURE**

Honorable members of the Senate Subcommittee on the Handicapped, Maine's Joint Legislative Committee on Education is currently considering L.D. 965, "An Act Relating to Exceptional Children." [Copy enclosed.] This is the ultimate step in a series of actions over the years to identify and serve the needs of Maine's handicapped youngsters.

I suspect that your subcommittee will be hearing from many professionals in the field who will quote numbers, percentages, and costs. Perhaps it might be helpful if I limited my remarks to a legislative perspective.

Maine is trying to live up to its responsibilities. I am personally deeply committed to the enactment of L.D. 965 knowing full well that the cost will be very substantial and the burden will be very heavy. I am anxious to secure enactment, not because of any court mandate, but because I believe very deeply that the bill expresses a sense of conscience.

This session we also have a responsibility to overhaul our complete method of funding public education. We shall probably pursue a course that will seek to increase the State's share of the costs of local education from a present level of 33 percent to some 60 percent of total cost.

Maine currently has a 5-percent sales tax, a graduated personal income tax, and a corporate income tax. Yet we still have youngsters attending schools with outdoor plumbing, and there are others, despite our best efforts and despite expenditures of over \$200 million this year who are still being denied the benefits of a quality education.

The enactment of Senate bill No. 6 will offer fiscal hope at a time when we desperately need it, and will be a ray of sunshine in helping a dedicated populous to do the right thing.

I guess what I am saying is that Maine is trying, that the legislature is acting responsibly and that our people are already heavily taxed.

I offer my best wishes for success to the subcommittee and to Senator Williams' full Committee on Labor and Public Welfare.

Representative CHRIS SPIROU. I think New Hampshire would yield to Maine.

[Information supplied for the record follows:]

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document**No. 965**

H. P. 751

House of Representatives, February 20, 1973

Referred to Committee on Education. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Ault of Wayne.

STATE OF MAINE

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE**

AN ACT Relating to Exceptional Children.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 20, c. 404, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 404 to read as follows:

CHAPTER 404**EXCEPTIONAL CHILDREN****§ 3121. Purpose**

It is the declared policy of this State to provide equal educational opportunities for all children. It is the purpose of this chapter to insure that all school administrative units provide equal educational opportunities for exceptional children. It is deemed to be appropriate to provide educational services within regular programs with supportive assistance, within regulations promulgated by the State Department of Educational and Cultural Services. Exception to this policy shall be based on appropriate supporting evaluative data submitted by a school administrative unit to the commissioner explicitly indicating a child cannot be properly served in a regular program.

§ 3122. Services mandatory

The commissioner shall provide or cause to be provided by administrative units all regular and special education, corrective and supporting services required by exceptional children to the end that they shall receive the benefits of a free public education appropriate to their needs. It shall be within the jurisdiction of the commissioner to require that schools and classes in all

institutions, wholly or partly supported by the State, which are not supervised by public school authorities, be organized according to the regulations established by him for the conduct of schools and classes of the public school system.

§ 3123. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Exceptional child. "Exceptional child" means any person between the ages of 4 and 20 with physical, mental or emotional handicaps, as defined by the Bureau of Education for the Handicapped in the United States Office of Education and the Maine Department of Educational and Cultural Services. Special education may be provided for any exceptional child between the ages of 0 and 4 and for any person between the ages of 20 and 25, subject to approval by the commissioner.

2. Special education. "Special education" means classroom, home, hospital, institutional or other instruction to meet the needs of exceptional children, diagnosis and evaluation, transportation and corrective and supporting services, as defined by the commissioner, required to assist exceptional children.

3. Special education facility. "Special education facility" means a school or any portion thereof, intended for use in meeting the educational, corrective and related needs of exceptional children.

§ 3124. Facilities

Physical aspects and specifications of schools, classrooms and other facilities for use by exceptional children shall be related to their educational, physical, psychological and social needs. To this end, administrative units, agencies of the State, and its subdivisions, and any private persons or entities constructing, renovating or repairing facilities with or aided by public funds, which facilities are intended to be used for the education of exceptional children, shall plan, locate, design, construct, equip and maintain them with due regard for the special capabilities, handicaps and requirements of the exceptional children to be accommodated therein.

No school or school-related construction, renovation, remodeling, expansion or modification shall be eligible for state aid pursuant to chapter 512, unless the State Board of Education finds that it is in conformity with Title 25, sections 2701 to 2703, prohibiting architectural barriers for the handicapped.

§ 3125. Plans and specifications

Plans and specifications for every special education facility shall be prepared in 2 parts, as follows:

1. Statement. A statement of the educational and related objectives and functions to be served and the uses to be made of the facility;

2. Plans —architectural plans and specifications. If the administrative unit submits plans and specifications for a building, or other structure, which does not include appropriate accommodations for its exceptional children, the State Board of Education shall require assurance that the submitting authority has other facilities adequate to meet the needs of its exceptional children.

§ 3126. Identification of a unit

The commissioner is authorized to employ such personnel, subject to the Personnel Law, as may be necessary to achieve the purposes of this chapter.

§ 3127. Appropriate services for exceptional children

Each administrative unit shall provide an appropriate education for exceptional children, as set forth in this Title, and in any other statutes and regulations of the Commissioner and State Board of Education, by any one or a combination of the following methods:

1. Approval. An appropriate program for exceptional children may be established in any administrative unit provided it is approved by the commissioner as to requirements for admission, teacher preparation, plan of instruction, necessary facilities and supervision.

2. Contract. An administrative unit may contract with, or tuition to, another administrative unit or any approved public or private agency or institution to provide a program for the education of exceptional children. Such contract shall be subject to approval by the commissioner.

3. Cooperative agreement. An administrative unit may enter into a cooperative agreement with one or more administrative units under sections 309, 309-A and 309-B. Programs established under this section shall be subject to approval by the State Board of Education.

In addition to subsections 1, 2 and 3, an administrative unit shall make any other provisions, subject to approval by the commissioner, to insure the education of all exceptional children as may become necessary.

§ 3128. Responsibility of administrative units

Every administrative unit shall appropriate sufficient funds and shall provide adequate instructional facilities for the education of all exceptional children as set forth in this Title and in any other statutes.

The guidelines developed by the commissioner will establish procedures to assure the rights of due process for all children referred to in this Title.

§ 3129. State plan

The commissioner shall make and keep current by annual review a state plan for the education of all exceptional children. This state plan shall be presented to the Governor and be made available for public distribution.

§ 3130. Local planning and responsibility

The administrative unit shall provide the commissioner with such information as may be required to insure compliance with the policy set forth in this Title.

§ 3131. Identification of exceptional children

The administrative unit shall establish procedures to identify all children who require special education. The administrative unit of residence shall provide diagnosis and evaluation as necessary for the planning and implementation of a special education program for each exceptional child.

§ 3132. Records

The administrative unit shall make and keep current records of all exceptional children under section 3131 and all other children who are residents of the administrative unit and are receiving home, hospital, institutional or other special education in other than regular programs.

§ 3133. Technical assistance

The commissioner, upon the request of any school administrative unit, shall provide technical assistance in the formulation of any plan or subsequent report required pursuant to section 3129. However, any such assistance shall not be designed to transfer either in whole or in part the responsibility for or actual development of the plan or report. The commissioner shall give final approval to all plans or reports.

§ 3134. In-service education

Administrative units shall raise and appropriate money for in-service education of teachers and other school personnel.

§ 3135. Grants

The commissioner may provide grants to public and private agencies for such revision, development and model programs as are required to promote effective special education.

§ 3136. Direct state action

1. Denial of state aid. If, at any time after July 1, 1975, an administrative unit is found by the commissioner to have failed to provide the necessary education to all exceptional children who by law are entitled to receive the same from such administrative unit, the commissioner may withhold all or such portion of the state aid for the administrative unit as, in his judgment, is warranted. The denial of state aid may continue until the failure to provide appropriate education for exceptional children is remedied. The commissioner may provide the education directly, taking such action as is needed to insure appropriate education for exceptional children in said administrative unit.

2. —public hearing. No action pursuant to subsection 1 shall be taken by the commissioner, except after public hearing on due notice and on a record that establishes the failure of the administrative unit to provide an appropriate education for exceptional children.

3. —costs. Any cost incurred by the commissioner in administering subsections 1 and 2 shall be deducted from the general purpose aid of the administrative unit.

4. State aid. No state aid pursuant to section 3137 shall be given to an administrative unit during any period when education of exceptional children in the unit is being administered directly by the commissioner. The basic responsibility for education of exceptional children shall remain with the administrative unit. The commissioner shall return responsibility to the administrative unit when he finds that it is capable of fulfilling its responsibilities pursuant to law.

§ 3137. State aid to be provided

The State shall provide financial aid to administrative units for educational and related services provided by them for exceptional children. Such aid shall include the following elements:

1. Remedial services. The education of exceptional children in school programs designed to meet their special needs; and the furnishing of corrective or remedial services and equipment designed to assist exceptional children.

2. Evaluation. Screening, diagnosis and evaluation as is necessary for the planning and implementation of a special education program;

3. Transportation. The furnishing of round-trip transportation to the facility where the public or private day program is provided;

4. Tuition. The furnishing of tuition to day or residential schools, in-state or out-of-state;

5. Other transportation. The furnishing of transportation to and from a residential educational facility, in-state or out-of-state, corresponding to major vacation periods, as approved by the commissioner;

6. Room and board. The furnishing of room and board, not to exceed an amount determined by the commissioner, in lieu of daily conveyance to a special education facility, in-state or out-of-state;

7. Contracts. Contracts with appropriate agencies for provisions of educational services for exceptional children, providing the contract is approved by the commissioner.

§ 3138. Tuition computation

Any administrative unit operating a program under the authority granted in this chapter may compute an annual tuition rate in either of the following manners:

1. Actual costs. Itemization of the actual costs of the program which was offered;

2. Salary. The salary paid to special education teachers shall be increased by 35% to compensate for the operating costs not included in salaries, and the resulting amount shall be divided by the average daily membership of students in special education classes for the same fiscal year. The per pupil cost thus determined shall become the legal tuition charge for the following school year.

A private school shall compute an annual tuition rate based on the actual per pupil cost incurred in the operation of the program during the preceding school year. The per pupil tuition charge shall be computed on the basis of financial reports filed by the private school. Such financial reports shall be filed July 1st of each year in such form as the commissioner may require, and the allowable tuition charge may not exceed the per pupil operating cost as determined from the financial reports of the preceding school year.

Any administrative unit or private agency establishing a new special education program may charge a tuition rate which is based on the estimated cost of the new program as it is approved by the commissioner.

§ 3139. Preschool hearing impaired

Appropriations made under this chapter may be used to make expenditures to institutions and organizations for speech and language education of hearing and language impaired children who have not become of compulsory school age.

§ 3140. Amounts of aid

Any administrative unit which has maintained an approved program of education for exceptional children shall receive reimbursement from the State for all of the cost in excess of the unit's per pupil expenditure.

§ 3141. Contributions

The commissioner is authorized to receive contributions and donations to be used in conjunction with appropriations made to carry out the provisions and requirements of this chapter. The Department of Educational and Cultural Services is designated as the agency for cooperation with the Federal Government in any program for the education of exceptional children.

§ 3142. Savings provision

Nothing contained in this chapter shall be construed to prevent or impair the administration or enforcement of any other provision of the laws of this State.

Sec. 2. R. S., T. 20, c. 403, repealed. Chapter 403 of Title 20 of the Revised Statutes, as amended, is repealed.

STATEMENT OF FACT

Currently, Maine is serving the educational needs of only 21% of the estimated 45,600 exceptional children. The purpose of this bill is to assure that equal educational opportunities are provided within regular programs, insofar as possible, with supportive assistance, for all exceptional children ages 4 through 20. This bill complies with the intent of the Joint Resolution in Support of Education for Handicapped Children passed by the special session of the 105th Legislature.

There is ample available evidence that judicial decisions recently made are affirming the constitutional rights of all exceptional children to equal educational opportunity.

Senator WILLIAMS. Representative Candon?

STATEMENT OF PATRICK J. CANDON, PITTSFORD, VT., STATE REPRESENTATIVE, HOUSE OF REPRESENTATIVES, STATE OF VERMONT

Mr. CANDON. Thank you. I am Pat Candon of Pittsford, Vt.

I appear before this subcommittee in support of bills H.R. 70 and S. 6 as a private citizen who has had a lifetime physical handicap. My purpose is to submit to the subcommittee my own personal experiences that relate to this legislation.

Because of a birth defect, I have never been able to walk without crutches. My wife had polio at a very early age and has never been able to walk without crutches and a brace. In spite of these handicaps, we have been able to lead full and purposeful lives. I served as Postmaster of my hometown of Pittsford, Vt. for 37 years. I retired in 1969 and was elected to the State legislature in 1972. My wife served as town clerk of Randolph, Vt. for 13 years; and since our marriage has taken an active part in civic affairs. I relate these facts to show beyond doubt that handicapped people can be successful and productive citizens.

INTEGRATION AND ARCHITECTURAL BARRIERS

Both my wife and I were able to attend public elementary schools, high school and business college. We were able to, not because of any special helps, but because our arms and shoulders were strong enough to enable us to go to the regular school buildings and to climb the stairs inside those buildings. We are the fortunate ones. Consider those whose arms are not strong enough to overcome those barriers. All too often they are the forgotten people in our great educational system. And I submit that they are the ones who need an education most. Not only for the purpose of becoming productive members of society, but for their own happiness and fulfillment.

I can state without any reservation that I could not possibly have obtained the position of Postmaster if I had not been able to attend public schools. By the time I had finished high school and business college, I was an accepted member of the society of my town. This would not have been possible had I been forced to study at home or to get an education in a school for the handicapped. And this is the reason that I am so enthusiastic about these two bills. They provide that special classes, separate schooling, or other removal of handicapped children from the regular environment occurs only when the nature or severity of the handicap is such that education in regular classes cannot be achieved satisfactorily. I can testify to the importance of this section. It is obvious that an entire work operation cannot be changed to suit the needs of one handicapped worker. But if that handicapped worker has been in regular schools, he is accustomed to the same environment as the other workers are. And he makes his own adjustments, with the benefit of his educational experiences, to fit into the routine of his job. This gets right to the heart of the problem of the handicapped. His greatest problem is to find the place in society that is best suited to his qualifications and to his desires. That

is, of course, everyone's problem. But it is more difficult for a handicapped person because of his physical limitations. It would have been foolish for me to try to be a dairy farmer, though that is a family tradition. Fortunately I had enough education so that when the opportunity came, I had the qualifications to grasp it. So I know from experience that only through education can a handicapped person hope to be successful. The limitations of his handicap must be overcome by his ability to obtain work that does not require hard physical labor. And that takes a good education.

From my testimony so far you might ask, "If he and his wife were able to get an education in the public schools, why do we need this legislation?" And this is the very reason why legislation such as this has not been passed long ago. Most everyone has a handicapped friend or relative who has made it big. So why can't all the others? I can tell you why from personal observations. It is simply because they haven't the physical strength. All people who use crutches appear to be in the same category. Let me assure you they are not. If I fall down, I can get right up again with the aid of my crutches. Not everyone can. So think of the difference between falling and getting up again and falling and waiting for someone to come and pick you up. So each handicap must be treated individually—not on what someone else can do, but on what this particular person can do. And these bills get right to the heart of the problems through, first of all, assistance to the family, to the public schools, and as a last resort to special or unusual educational facilities.

As a State legislator, I am particularly interested in the funding of this bill. In Vermont the formula for dividing the costs of education between the local school funds and State aid to education is very complicated. And the handicapped student has suffered because there has been no good method of allocating costs of special education. This bill will provide the required funding for a good program and will provide it sooner than any program now in effect or being planned.

Others, more expert will testify on the technicalities of these bills. The fact that I am here at all is my most eloquent testimony. These bills will make it possible for many others to be as fortunate as I have been in finding a place in the mainstream of life. I hope it will mean that another handicapped person will be taking my seat in legislature sometime in the future. I hope it will mean that many handicapped people will enjoy the full privileges of citizenship in our great country, and best of all, the blessings of a happy home.

Senator WILLIAMS. Thank you very much. Mr. Candon. You were confirmed as Postmaster of Pittsford in 1935?

Mr. CANDON. 1933.

Senator WILLIAMS. Were you a personal friend of Jim Farley?

Mr. CANDON. I had the honor of being the first Postmaster in Vermont to be appointed by Franklin D. Roosevelt.

Senator WILLIAMS. Well, I wondered if you knew Jim Farley.

Mr. CANDON. I knew Jim Farley personally and I admired him very much.

Senator WILLIAMS. Did you run for office while you were Postmaster?

Mr. CANDON. Oh, no, you can't.

Senator WILLIAMS. I see. You retired from the postmastership and ran in 1968?

Mr. CANDON. Ran in 1970 and lost and then ran in 1972 and got lucky.

Senator WILLIAMS. Are you in the minority or the majority party?

Mr. CANDON. We Democrats in Vermont are in the numerical minority.

Senator WILLIAMS. I was leading up to that without being too gross. Well, congratulations. Do you have a committee system within the legislature?

Mr. CANDON. Yes, we do, and a great deal of the work of the legislature is done in the committees. I am on the Committee on Government Operations and it's been a very fine experience. In the past session due in a good part to my wife's lobbying we were able to get a bill through on public buildings having either ground level entrance or ramped entrance. And we felt very fortunate in getting this bill.

Senator WILLIAMS. Well, you know, we had this past week in Washington the annual meeting of the President's Committee on Employment of the Handicapped and we had a hearing, sort of a simulated or mock congressional hearing. The architectural barrier question was key to a lot of the statements made by so many people in that area. And you have now broken that barrier for public buildings?

Mr. CANDON. Right.

Senator WILLIAMS. Excellent. Just let me place you geographically. You are from Pittsford and your wife is from Randolph. Do you get together on weekends?

Mr. CANDON. Yes, we get together much more often than that. She was town clerk in Randolph, which was the other side of the mountain, and she came to the right side in 1933 and we lived in Pittsford since.

Senator WILLIAMS. For those who don't know in the audience, where is Pittsford in Vermont?

Mr. CANDON. Pittsford is about in the center of the State. It is the first town north of Rutland on Route 7.

Senator WILLIAMS. And your wife on the other side of the mountain, which mountain is that that Randolph is on?

Mr. CANDON. On the other side of Killington, Pico, all those great ski areas.

Senator WILLIAMS. I certainly agree. Now, it is certainly a welcome place for people from New Jersey come wintertime, I tell you. Thank you very much. Let me see just now if you are familiar with Vermont's relative position on reaching handicapped children in regular public education. We have a figure here that shows 22 percent of the handicapped children are being served in the State of Vermont. That is below the average.

Mr. CANDON. Yes. Well, there are others here who are more knowledgeable in this field than I.

Senator WILLIAMS. I think maybe you reached the legislature late, but better late than not having you there at all.

Mr. CANDON. Thank you, Senator.

Senator WILLIAMS. All right. Now New Hampshire, Representative Spirou.

Mr. CHRIS SPIROU. I am Representative Chris Spirou, from Manchester, and it is spelled S-p-i-r-o-u, so it will not be confused with the other Spiro.

**STATEMENT OF HON. CHRIS SPIROU, NEW HAMPSHIRE STATE
REPRESENTATIVE AND ASSISTANT MINORITY LEADER**

Mr. Chairman and honorable members of the subcommittee:

It is a pleasure for me to appear before this committee, today. I apologize for not having submitted my prepared statement as you requested. The New Hampshire Legislature is in session and being one of the most understaffed legislatures in the Nation it was impossible for me to submit written testimony.

Chairman Williams, I speak in support of Senate bill 6. As sponsor and supporter of legislation relating to handicapped children in the current session of the New Hampshire Legislature, I feel there is a definite need for Federal support to aid our handicapped. I would like to discuss with you, today, what I believe to be the basic philosophy of Senate bill 6.

Our forefathers in 1776 wrote in the Declaration of Independence, and I quote:

We hold these truths to be self-evident that all men are created equal that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men. * * *

To the majority of 10 generations of Americans these fundamental national rights have been the essence of their existence. And yet to many, "life, liberty, and the pursuit of happiness" have been little more than an elusive dream.

My comments today are directed to one such group of Americans, the handicapped. Fifty percent of these persons are denied the special educational assistance they need. Some are denied entry to our public schools. Hundreds are committed to institutions and other programs where little more than physical sustenance is provided at costs far in excess of what education and rehabilitation would cost.

The personal anguish this situation brings to these persons and their families can not be measured; only felt. The impact of this situation on all of us is that, without appropriate education many handicapped persons will be an economic responsibility to the State for the remainder of their lives, while as productive citizens they could contribute economically and socially to the benefit of the State.

Historically, the nature of the treatment provided to the handicapped has varied over time and in different societies. The Greeks of Sparta left their crippled to die on mountainsides, and in the early Roman Empire, persons who did not act in a normal manner were considered incompetent. Concurrently in China, blind persons were valued as soothsayers. We have managed to put them in closets. We have neglected and often forgotten their existence.

POLITICAL POWER VERSUS NEED

Providing public services for the handicapped youngster has never been a headline educational issue. The outcry from the relatively small group of parents of handicapped children and of trained specialists in the field, has not been enough to move legislators and local school boards to action. And there has been a persistent, though not carefully analyzed, belief that comprehensive programs for the handicapped would be prohibitively costly.

It is no secret that the lobby for improved services for the handicapped is ineffective in comparison to that for higher teacher salaries or even State aid for public schools. It is no secret that the handicapped have been cutout of significant budgetary support in the past. The question today is not how many more handicapped children will be educated, but whether all handicapped children will be given equal protection of the laws and thus granted their right to the education they need.

Senate bill 6 provides a comprehensive and fiscally responsible program to meet the needs of the handicapped in the United States. For all too long the education of the handicapped has been dependent upon various unrelated State and private agencies which in many cases are underfinanced and understaffed. This state of education of the handicapped has added to the misunderstanding of the handicapped in society. There has been little done to assess the effectiveness of new programs and theories in the education of the handicapped for the means of communication. Because a comprehensive national program is not available. What little communication of progressive programs in all areas of handicapped education is lost in the inadequacy of teaching-training programs and outdated facilities due to the general lack of funds. I believe Senate bill 6 would begin to alleviate these problems.

Now I will digress from my prepared statement, Mr. Chairman, to say that I sponsored legislation in this session of the legislature and passed in the last session of the New Hampshire Legislature the White-Cane law, the bill of rights for the blind and handicapped in the State of New Hampshire.

This session of the legislature my colleague, Senator Chambers, and I cosponsored House bill 502 which would bring down the age that the State would be responsible for educating the handicapped from five to zero and making an appropriation for that program. Simultaneously, another representative introduced and passed legislation through the House, a bill which calls for the age to be reduced to zero, yet having no appropriation.

It goes without saying that I believe the legislature will pass his bill and mine will end up being recommended and not funded. And once again we would give lip service to the special education needs for our children.

Thursday I met with the chairman of the appropriations committee who assured me that House bill 502 isn't going anywhere because there are no funds for special legislative bills.

Now, we know that the State of New Hampshire isn't providing services to the handicapped, yet at the same time our budget does not allow for us to provide services for those youngsters who are going to be in need of education from 0 to 5, let alone from 5 to 21.

Now, it seems to me that if this bill was passed by the Congress of the United States, the State of New Hampshire could very well put up the 25 percent. It is impossible, I am told and I know from my own experience, to put up the \$700,000 for each of the next 2 years necessary to educate and identify those youngsters who are going to need services from zero to five.

Now, if I would go into the specifics of your bill, Senator Williams, I will just make a few comments about the individualized program.

I think we must be very careful as to not confuse it, and let me preface my remarks by saying that I am not an expert in educating the handicapped, but I have some expertise in evaluation procedures being I am in the model cities program.

And I just don't want the program, the individualized program, to be caught in the massive bureaucracy that evaluation can catch itself in and lose the real teaching of the youngster. So I would like to see a specific provision in here of a monitoring process whereby the evaluation becomes relevant at the stages where it could be ordered and monitored and stopped and stabilized.

I am a great believer in the monitoring system rather than the evaluation system because I believe if you monitor something properly, you can pass a judgment whether it is good or not and you can stop it at a particular stage where that monitoring system either fails or succeeds.

The other thing that I am very concerned that it is not included, and maybe you felt that it should be left up to the State board of education or the local districts, and that is updating the qualifications of those who teach the handicapped. I have seen in my experience the teaching disabilities of both those that are in the special education field or the general education field become the learning disabilities of the youngsters, especially in the poor neighborhood that I represent.

And I just don't want those who think they are social workers and think they have some expertise in the field of special education to think that they don't need to update their knowledge at some point mandatory for them to get recertified so they can't teach this individualized education that this bill deals with.

I applaud you once again for taking this initiative. It is needed as bad as you can see no other thing needed in this country. I speak to you as somebody who came to this country from another land and saw the greatness of this country in being able to deal with all of us over there when we had a need and for this country's ability to deliver services to us up on those mountains when the going was very rough.

And I think there is no excuse whatsoever for this country not to be meeting the needs of those children that are our children. And anyone who tells me that we don't have the ability to deal with it is living in a dream world because if we don't have the ability to deal with it here, why the hell do we have to go around adopting children in Greece, Turkey, Zanzibar, wherever else we are going to adopt them, just to fulfill our humanistic responsibilities.

I might point out in my own State, Senator Williams, we are going to have a crisis in education coming up. The Supreme Court ruled that the dual enrollment program is unconstitutional and I see the day that if this Senate bill doesn't pass, that the State board of education and the local education districts will shift the funds to cover the parochial school youngsters who have to be absorbed by the public school system. Once again I am afraid and I am scared that we are going to leave those who really need the special education out again.

I would urge passage of this bill and anything that I can do with my own Senator, Senator McIntyre, who is a very personal friend of mine and I hope yours, too, I would be more than happy to support this bill. I might add that we in the State of New Hampshire, being Democrats, consider ourselves the chosen few and not the minority. Thank you very much.

Senator WILLIAMS. Thank you very much. I have several questions if we could take a little bit of time here. First, let me review the sponsorship of S. 6 in terms of our own Members of the Senate. Oh, parenthetically, a good friend of yours is John Brademas, I understand?

Mr. SPIROU. He sure is, yes, sir.

Senator WILLIAMS. Well, his bill is the companion bill in the House.

Mr. SPIROU. I have looked at the analysis that your staff has sent me and they have the comparison between the two bills and I would write a letter to my friend John asking him to support both your bill and his. I think we need to get the legislation through rather than the competitive situations. But I am glad you have Congressman Brademas on your side; he is a very capable man.

Senator WILLIAMS. We appreciate that. We are working with Congressman Brademas and the staff and the objective is common. I mentioned earlier we had a simulated congressional hearing when the President's Committee on Employment of Handicapped met in Washington this past week. Mr. Brademas was one of the joint committee members.

PROBLEMS OF RURAL AREAS

Now, in this area in the nature of your States being, not in Massachusetts, but both New Hampshire and Vermont, we think of them with great vast rural areas. Are there particular problems because of the rural nature of so much of your State?

Mr. SPIROU. Yes. There are places where we have children, I understand, in chicken coops being taught special education. There is nothing in our laws that deals with facilities, building facilities and anything special about handicapped children. Our laws do not provide anything at all for the handicapped in our State.

The other problem is that we don't have a real concentrated effort, there hasn't been a population both politically and otherwise for it to be a centralized issue. We have attempted in the last couple of sessions to identify the handicapped and do something about it. But most of the times we like to send them to schools far away. Laconia School was one of the places where children found a place to be put by parents. Sometimes handicapped children can blame their parents for some of their falls because it is great if the State can provide you with a place far away from home to leave your child.

I would like to stress that if the parents understand their responsibility and if something is done to give them some help, I think in New Hampshire we would have a better situation altogether.

The rural situation does provide you some problem, but most of our blind are near Manchester, most of the blind and the blind services are located near the area there and the facilities are available for them. The problem is with some of the other handicapped that are spread out throughout the State.

Representative CAXDON. I think in Vermont the same thing is true. Being a rural area the severely handicapped who lives in a small town is the one who finds it hardest to get an education. I think Vermont has done very well over the years in taking care of the handicapped children. But certainly what this bill would do, that seems to me is very important, is would make it possible for them to get that education in their local school rather than going to Boston or to some other locality to get that education.

Senator WILLIAMS. Well, you gentlemen are in a position to make it real. You are both in the elected assemblies of your respective States and what will be the attitude of your colleagues, assuming this becomes Federal law? There is a State contribution. You spoke pessimistically about funding the program that is now before your legislature in New Hampshire, Representative Spirou. Can you make way with your colleagues and get them to provide support.

Mr. SPIROU. If I had to fight the battle of 25 percent, Senator Williams, I could tell you that I would raise holy hell both with the Governor's office and everybody else to make sure the 25 percent would come up. The problem is we are competing with about \$3.5 million in legislative specials that is available, and I just don't think we can put the battle on right now and muster enough support to pass \$1.5 million for the next 2 years.

But certainly I would think that if this bill went through, that we would get the State share to provide for that education. And I think it is extremely important for this bill to pass, absolutely important in light of what I said before, the State having to perhaps pick up some of the public education because of the dual enrollment program being stricken as unconstitutional.

I think we will have a better chance putting up the 25 percent than the 100 percent, and I just think that this is great and I hope it passes.

Senator WILLIAMS. Well, concerning my information from Governor Thomson, who wanted to be here today, I understand that last year there was an increase in the budget for the special education in New Hampshire.

Mr. SPIROU. Yes, there was. I was a member of the Appropriations Committee at the last session of the legislature and served on the Subcommittee for the Education Department which allocates the money for the handicapped. And I worked very hard to make sure that the budget was sufficiently funded.

The bill that I introduced this year would actually be a supplement to the budget that they propose this year, and they are going to get funded pretty well what they asked. The problem is that if we passed a law to reduce the age from 5 to zero, that we are going to have sufficient funds to either identify, train the staff, or provide services for those 3 to 5. And there are several people not getting services right now from 5 to 21. So we need some money from Washington.

Senator WILLIAMS. Now, this is no court of equity, but you know in courts of equity you have to come in with clean hands. I explored your taxing situation in the State of New Hampshire the other day in a Banking Committee, as a matter of fact. Beside me was Senator McIntyre. Your State has a less broad base of taxation than the State of New Jersey, and we are very limited. We have no income tax and you have no sales tax. You have no income tax, do you?

Mr. SPIROU. We depend on foreign aid.

Senator WILLIAMS. You know, that's better than McIntyre's comment. McIntyre said up there you rely on the sin tax.

Mr. SPIROU. Well, it is sort of a combination of sin tax and foreign aid. We have to depend on Massachusetts coming up to smoke our cigarettes, drink our liquor, buy our sweepstakes tickets.

Senator WILLIAMS. Go to Rockingham.

Mr. SPIROU. Go to Rockingham, and so forth. So it is a matter of foreign aid among neighbors.

Senator WILLIAMS. What is the fiscal situation in Vermont?

Mr. CANDON. Well, the fiscal situation in Vermont, I would have to say, at the present time, is very fine. Of course, it is not easy to fund education these days. Education costs an awful lot of money and taxes are already high. The State is making a thorough study of the tax situation, and knowing the people in the legislature, knowing the leaders, I am sure that the legislation of this kind would just give them just an added spirit to put programs that are so badly needed for the handicapped in operation.

I think it is very important that this legislation be passed.

Senator WILLIAMS. I will say this. As I understand our legislation, the State must act first and the Federal contribution is in the nature of a reimbursement for your advances for this particular program.

Mr. SPIROU. Senator, may I respond to that. I think that provision ought to be left in there. As I said before, I have worked with Model Cities funds and the Model Cities programs nationally and locally. And as I worked with the Under Secretary for Housing and Urban Development, I stressed the importance of not allowing the States to do their thing.

I still think that there's got to be some control from Washington, because once you just give them the money as you have given us with revenue sharing, and I also speak as a city official being an alderman in the city of Manchester, you are in trouble. They are not going to do the things you want them to do.

So keep a little bit of some control down there so that the States have to produce because otherwise they are just going to start building bridges and roads and some other kinds of stuff that has enough lobbying power to get them through.

Senator WILLIAMS. Now, you have lived with the opportunities of revenue sharing for what, how long, a year, a full year?

Mr. SPIROU. About 6 months.

Senator WILLIAMS. How did the revenue sharing money get applied in New Hampshire?

Mr. SPIROU. Now, we haven't applied in the State yet because the legislature is still in session and the Appropriations Committee is just coming out with its budget. But on the local level in Manchester, for example, I am not pleased that we really appropriated it the way we appropriated Model Cities funds where we had some latitude, at the same time we had some strings attached. I speak on both sides.

I just don't think that the local governing boards, although they might have their polls on the problems, spend enough time and have the expertise to really apply to the need; they apply to the convenience, political convenience most of the time. And I want to caution you not to give them free hand. I speak both as a State and as a local representative now, and I am really concerned that this can get out of hand.

It can become infectious, you know, you start building the kinds of things you haven't built. For example, in Manchester we appropriated about \$100,000 in the last 10 years in bridge maintenance and once we saw revenue sharing, our bridges were falling down and everybody started talking about building the bridges. Well, you know, we have to be careful of that because the city didn't meet its responsi-

bility before and now it should not be the Federal Government's responsibility to build the bridges.

So I have mixed emotions. I haven't had enough time personally to assess it and see that I can accuse them of not spending it properly. What I am saying is there's got to be some strings from Washington as far as I am concerned.

Senator WILLIAMS. Well, this bill represents an approach that the President is strongly opposed to, as you know. This is a categorical approach to public needs.

Mr. SPIROU. Well, I disagree with the President about 98.99 percent of the time, except when we say the Pledge of Allegiance together, that's the only time we agree.

Senator WILLIAMS. Well, there's a certain purity to that.

Mr. CANDON. Senator, if I may say a word about Vermont's revenue sharing. On a State basis it was used in Gov. Salmon's tax plan. And, by the way, Gov. Salmon is a Democrat. This will give tax relief to people in the low income group and this is the start, this is tax relief. We hope in the next session of the legislature we will not only have tax relief, but tax reform.

Senator WILLIAMS. There is a proposal, a legislative proposal, for special revenue sharing in education. Under the proposal that is now being heard in Congress, there would be an opportunity, if this program were enacted, for a transfer of 30 percent of funds for the handicapped to other programs. You know, I would consider that an invitation to disaster.

Mr. SPIROU. I would agree with that. I have reservations about a revenue sharing for education program or mixing special education in it. I really have reservations about it and I just think that the problem we have in this country, and I was a member of the board of the National Center for Voluntary Action that dealt with the Right to Read program, that the problem of the Right to Read is the inability of the children to read, and you put the same teachers back to teach you the things they should have taught you to begin with; I mean they become specialists after they fail you anyway.

So just be careful you don't give back to those people who failed us the opportunity to teach us back the things that they should have taught us in the first and second grade. And the right to read, said 20 million youngsters in this country can't read and they blame it on the youngsters rather than those that should have taught them.

So as I heard the Commissioner of Education, the regional commissioner here, I forget his name, at the University of New Hampshire about a month ago supporting Education Revenue Sharing legislation—of course, it was a Nixon supporter—I right away questioned whether we should be supporting that program. I think it involves disaster. Don't take special education and put it into that bill at all.

Senator WILLIAMS. It's even worse than I described it. The opportunity to lateral funds to other purposes within education can go to 100 percent if it meets the purposes, the broader purposes of the bill and gets the Commissioner's approval. It is 30 percent without approval. So I am glad to have your comments.

You say that you are not only a State, but a local representative, too?

Mr. SPIROU. Yes, I am city councilman or alderman, whatever you call it depending what part of the country you are in.

Senator WILLIAMS. You are on the Manchester Council as well as in the legislature?

Mr. SPIROU. Yes, sir.

Senator WILLIAMS. Well, while we are on this revenue sharing, does that strike you, Ms. Maxwell, we have left you out of these discussions—

Ms. MAXWELL. I don't know if I could comment very adequately on revenue sharing. I am not terribly familiar with it as how it is going in Massachusetts right now. I think it is still pretty much in the early stages, you know, cities and towns are pleased with money, any money that they are getting. But I don't think I can comment.

Senator WILLIAMS. How about you, Representative Candon, do you have anything further on the revenue-sharing?

Mr. CANDON. Not as it would apply to education or to the local problems. Although Vermont is a small State and we have some good people on the local level as well as the State. I would say this money is going to be well spent.

Senator WILLIAMS. Representative Spirou, how long have you been involved in education of the handicapped and how did you get stimulated?

Mr. SPIROU. I got invited to a conference a couple of years ago here—education commission of the States—and I participated in a conference here in Boston about 2 years ago and since then I really got involved in special education, I guess. And in Manchester, being chairman of the Model Cities program citizens group there, I had the opportunity to chair the subcommittee dealing with the MARC program, the mentally retarded children in Manchester, with emphasis on taking it away from the special agency it was in and integrating it into our school system. And we are working now to make that integration.

I really believe that we should not isolate the handicapped child. We should not have to educate him twice, once the social behavior that he needs to deal with after he comes out of there and once the special education that he needs to learn. We are trying to get the whole local school board to face up to the responsibilities of teaching each child that is educable right within the educational system.

So I would say between the Model Cities effort and the State effort about 3 to 3½ years and by no means am I an expert. But certainly my efforts are substantial to this area and I would like to continue working in the area. I am familiarized myself with most of the laws as the Education Commission of the States have sent out some very good fliers and good stuff they are dealing with. And it is helpful to us in enacting laws.

As a matter of fact, my bill 502 is designed, as I think the Indiana bill is, on the model law. And it is a very good one.

Senator WILLIAMS. Well, Miss Walker says that there is a model law in the State of Indiana. You know, Indiana reaches 60 percent of their handicapped children in public education. I think that is the highest of any State. No; I'm wrong. Illinois is 71; the State of Washington is 81. I am advised that that model law in Indiana is very similar to the Massachusetts law that was enacted last year.

Mr. SPIROU. I am glad to see Massachusetts doing some progressive things.

Senator WILLIAMS. Well, that little gratuity, now that we come here to Massachusetts, I am sure will be greatly appreciated. I have a feeling that cigarette sales just went down in New Hampshire.

Mr. SPIROU. No; it was a positive statement, Senator. I think we can't blame them. They did vote for McGovern. It was a positive statement; so I hope they come up and smoke some more.

Senator WILLIAMS. We are very, very grateful. This has been an excellent panel and good discussion. Thank you. We were just advised that Senator Katz is tied up in his legislature in Maine and Representative Daley will probably be with us before the day is out.

Gunnar Dybwad from the Advisory Committee on Special Education from the Commonwealth and Brandeis University. You are well known to us as an internationally recognized sociologist, professor of human development at Brandeis University Heller School. Doctor, we have been looking forward to today and your part in today's hearing.

STATEMENT OF PROF. GUNNAR DYBWAD, ADVISORY COMMITTEE ON SPECIAL EDUCATION, BRANDEIS UNIVERSITY

Professor GUNNAR DYBWAD. Thank you, Mr. Chairman. I hope I may forego a statement of my qualifications since you already indicated my present occupation as Professor of Human Development at the Florence Heller Graduate School.

On various occasions over the past 10 years I have been appointed as consultant to the U.S. Office of Education and I am presently serving as consultant to the Division of Developmental Disabilities in the U.S. Department of Health, Education, and Welfare. I am a fellow of the American Orthopsychiatric Association, the American Public Health Association and the American Sociological Association, and a member of the Council for Exceptional Children and the National Rehabilitation Association.

I am appearing here today to register my strong support for S. 6, the proposed "Education for All Handicapped Children Act." I am strongly convinced the time is overdue for providing specific Federal support to encourage and reinforce State programing for the Nation's handicapped children.

The reasons for this are clearly set forth by the sponsors of this legislation in the "findings" listed in section 2(a) of the bill. These findings are supported by reports that have emanated in recent years from the U.S. Office of Education, from the President's Committee on Mental Retardation, and from the Council for Exceptional Children. The figures cited are estimates since exact figures are not available due to the fact that striking variations exist from State to State in classifications, in definitions, and in statistical procedures related to the gathering of public school information in this country.

Over the past 3 years I have been called upon to serve as an expert witness in a number of right to education cases before Federal district courts in various parts of the country: *PARC v. Commonwealth of Pennsylvania* (U.S. District Court, Eastern District of Pennsylvania); *Mills v. Board of Education* (U.S. District Court, District of Columbia); *Webster v. Perry* (U.S. District Court, Middle and Western District of North Carolina); *Lebanks v. Spears* (U.S. District Court, Eastern District of Louisiana). My participation in these cases pro-

vided me with an opportunity to study existing written and unwritten policies regarding admission to and exclusion from schools, with statistical information from States and local communities, and also with detailed case studies of individual children whose right to an appropriate public education had been abridged. The Pennsylvania *Right to Education* case, in particular, exposed the bewildering array of reasons given to parents as to why their children were not allowed to attend school, reasons which were neither based on law nor acceptable evidence.

Since your committee is meeting here in Boston it may be appropriate for me to state that nowhere have I seen as clear and telling a picture of the situation than in the report, "The Way We Go To School—the Exclusion of Children in Boston," published by the Beacon Press for the Task Force on Children Out of School. This outstanding document is worthy of your close attention.

May I now turn to the stated purpose of the bill as outlined in section 2(b). It is indeed of the essence that all handicapped children without exception receive a free, appropriate public education. Ten years ago such a proposal would have brought about the strongest protest not just from administrators and classroom teachers, but from many other professionals in the field of education, psychology, and child development. The situation today is totally different, and much of the credit must go to the two above-mentioned landmark cases, in Pennsylvania and in the District of Columbia. The monumental findings of these judges, together with the supporting testimony of experts, including some of the country's ablest educational researchers, leave no more room to exclude any handicapped child in these United States from the benefit of a public school education.

It was most fortuitous, Mr. Chairman, that about this same time the Council for Exceptional Children, the national association encompassing most of the teachers, supervisors, and administrators in special education, adopted at its 1971 delegate assembly a forthright policy statement entitled "Basic Commitments and Responsibilities to Exceptional Children." In its preamble the policy statement sets forth unequivocally that "no democratic society should deny educational opportunities to any child, regardless of his potentialities for making a contribution to society," and then goes on to spell out in detail the policies needed to implement this goal. I am happy to state that here in Massachusetts, thanks to the superior leadership of the Speaker of the House, the Honorable David M. Bartley, and the chairman of the House Education Committee, the Honorable Michael J. Daly, the legislature enacted last year in chapter 766 a new special education law which encompasses the findings of the Federal courts as well as the policy statement of the Council for Exceptional Children. I am sure others who will testify today will discuss in appropriate detail this new law and the challenge it poses to our school system. Suffice it to say that it fully supports your emphasis on inclusion of all handicapped children.

The purpose of the bill also refers to a "free appropriate public education" which seems to me to be a particularly important requirement. Various States, including Massachusetts, have tried to substitute for special education under the public school authorities reimbur-

ment for attendance at private schools, both within and without the State.

I want to stress here that the burden for this situation rests with the public system and that without the availability of private schools, some of which are indeed outstanding institutions of national repute rendering excellent service, many children would have remained unserved to this day. Having worked many years as administrator of a State child welfare program, I have long been acquainted with the important role private institutions can play in demonstrating and often pioneering quality service, but it is my judgment that attempts in this and other States to substitute, in case of certain categories of handicapped children, private arrangements for the basic responsibility of the public school system have, in some instances, resulted in unreasonable expenditures, excessive transportation costs, lack of accountability and quality control, and a denial of schooling to many on the basis of a politically, or I should perhaps say, socioeconomically suspect selective process. The foregoing remarks in no way seek to denigrate the excellent contribution of many of our private schools nor do they seek to limit availability of private schooling for handicapped children on the same basis in which it is available to nonhandicapped children. What I am trying to emphasize is the State's basic responsibility to make public schooling available as a matter of right. I realize that in such highly specialized services as, for example, education for the deaf, this will not be an easy task, and in the meantime I certainly want to be on record as appreciating the services rendered by such private institutions as the Clark School, the Boston School for the Deaf, and the Horace Mann School, to mention a few of the quality schools operating within our own State.

The bill calls for appropriate public education and the term "appropriate" needs underlining. In many localities throughout this country handicapped children receive an educational program that is watered down, both qualitatively and quantitatively, and in some cases is a mere caricature of what is commonly understood by schooling. Thus I responded to a question put to me in the *Mills* case as follows: "To provide for such children or young people 2 hours of instruction per week can only be compared to giving a starving child two meals a week. Two meals a week do not make a diet, and 2 hours of instruction per week do not make an educational program."

In this connection the bill's requirement that there be an individual written program for each child (and to save time I shall not repeat the excellent specifications set forth for this in subsection 9 of section 3) will go far to facilitate both accountability and program evaluation. The same is true for the requirement in subsection 4 of section 6 that this individualized written program be developed with the participation and agreement of the parents, a procedure forward looking schools have already instituted.

Without doubt the requirement in section 6(4)(B) that parents have an opportunity to examine all relevant records with respect to the classification or educational placement of the child will meet with some objections. However, both New York State and New York City have already ruled that such records should be open. The committee may want to consider whether it might be helpful to clarify further the term "relevant" records.

Among the eligibility criteria for State participation section 6 lists under (a) (7) an advisory panel with various responsibilities, including review of the State plan. Knowing from my service on many such bodies over the past decades how often State agencies choose to ignore or at least fail to consider such reviews by advisory panels, may I suggest that your committee consider a requirement for the advisory panel's review to be made part of the State plan. This will prevent the all too frequent occurrence that the plan is presented to the panel in the last minute, just before it must be put in the mail for the regional HEW office.

The bill refers to the problem of handicapped children in institutions in three places, section 6(a) (6), section 6(a) (10), and section 7(b) (2). I welcome the emphasis placed on integration, to the maximum extent appropriate, of institutionalized children into regular schools. I also welcome the requirement that the State agency be responsible for all educational programs for handicapped children within the State. The new Massachusetts law has such a provision and as of next year educational programs in institutions under our health and mental health departments will be so supervised. However, having been called as an expert witness during the past year in right to treatment suits before Federal district courts in Alabama, New York, Massachusetts, and Minnesota, I have seen to what extent still in these days the educational rights of children in State institutions are blatantly violated. For that reason I would suggest that your committee consider adding in section 6(a), either in subsection (1) or subsection (2), to the phrase "all handicapped children" the words "wherever they may be," or a similar phrase which would clearly encompass children who are hospitalized or institutionalized.

Section 6(a) (6) might be an appropriate place to consider another addition to the bill related to removal of architectural barriers and other material, procedural or regulatory impediments to access to public school buildings on the part of handicapped children. A wheelchair should facilitate, not block, a child's right to the kind of education in which his mind enables him to participate.

One final suggestion: S. 6 speaks in section 3 of children who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or otherwise health impaired, and I raise question about this admission by a label affixed to the child. As a loyal citizen of the Commonwealth may I suggest that your committee give favorable consideration to the procedure outlined in our new Massachusetts legislation—section 11 of chapter 766 of the laws of 1972—whereby we no longer will apply labels to children—such as retarded, blind, deaf child, et cetera—to facilitate their access to service, but merely speak of a school age child with special needs who, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional, or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning disabilities or any combination thereof is unable to progress effectively in a regular school program and requires special classes, instruction periods, or other special education services in order to successfully develop his individual educational potential.

Mr. Chairman, this concludes my testimony, because I purposely have left discussion of the fiscal aspects of the bill to those more quali-

fied to speak on that subject. May I thank you for the privilege of appearing before you.

Senator WILLIAMS. It is our pleasure and honor to have you here, Dr. Dybwad. You come to us with such a depth of background in the area. As professor of human development at the Heller Graduate School of Brandeis, who are your students?

Professor DYBWAD. I have two types of students. Until the last cuts of graduate programs I had a doctoral program in mental retardation. This program has been discontinued along with many, many other doctoral programs by the new policies of the Nixon administration. But I also on the undergraduate level teach undergraduate students an introductory course in special education and an introductory course in rehabilitation because I strongly believe in motivating undergraduate students to move in the direction of some chosen vocation.

And we find today that a large number of our undergraduate students already are volunteering or in other ways seek to actually move in the practical field. I am very encouraged with the reservoir we are building up in this country of young people who are tremendously interested in human services.

And I have the suspicion that, as so often, the colleges and universities are limping behind young people. The young people have a better orientation, they see more clearly what is needed. And so I purely on a voluntary basis am teaching these two courses and they have given me great pleasure.

Senator WILLIAMS. Well, I am glad I asked the question. I am glad to hear your response. You feel the reservoir of talented and motivated people is filling up to some degree across the country.

Professor DYBWAD. I very much feel so. If you would add up the number of students from our colleges who volunteer in all types of residential institutions, State programs, and so on, again you would come up with a tremendous number of individuals. And again I am forced to say that we have not responded as well as we could to encourage these young people.

They volunteer, we have them, and perhaps we don't give them as much stimulation and help. But I feel very optimistic that your bill which, of course, is going to call for a substantially larger group of teachers to be available in this country, and more appropriately trained group of teachers for special education. This bill can be fulfilled as far as the pool of people is concerned. That the question is whether the Federal Government by the sudden cutting off of training funds is actually sabotaging the very goals which your bill sets forth. And this seems to be the situation right now.

Senator WILLIAMS. Well, it is an unfortunate word, but you mean defeating, not sabotaging.

Professor DYBWAD. This is a question of political philosophy in which maybe the two of us—you see, there are those who feel that there is no need for handicapped children to be educated; there are those who feel that people are not deserving to be rehabilitated. I am quoting.

And I think, therefore, I feel quite strongly that we must be aware of this tendency to denigrate the human potential of handicapped people and to measure the value of people solely by their capacity to

fully enter the production effort. I personally feel there are other ways in which human beings can show their worth.

Senator WILLIAMS. It is interesting. The courts of law seem to have preceded the school boards in finding the rights of youngsters to an education.

Professor DYBWAD. That is correct, sir. But I do want to say here for the public record that already 6 months ago the Minneapolis School Board had a very elaborate 2-day workshop session attended by a large number of people introduced most eloquently by the superintendent of schools in which the Minneapolis School Board took on the right-to-education decision and asked the question, "What does it mean to us? What must we do?" And I think they deserve public recognition for this.

In other words, they at least recognize quickly that here was a situation to which they should respond. And I, too, would like to say, Mr. Chairman, that the Massachusetts Legislature certainly did not waste any time in its legislative work to take cognizance of these court decisions in Pennsylvania court decision and the District of Columbia, the *Mills* case. And I think we can be proud of this new special education law in our States.

Senator WILLIAMS. You have been in many States called as an expert witness?

Professor DYBWAD. Yes.

Senator WILLIAMS. I think you enumerated four or five States.

Professor DYBWAD. In education and at least as many others in the right-to-treatment cases as far as institutions are concerned.

Senator WILLIAMS. Can you assess the progress that has been made, from your observation? Are you familiar with the various States?

TESTING AND CLASSIFICATION

Professor DYBWAD. Well, I feel a great deal of progress has been made in at least clarifying the issues. I think this is very important. Now, the kind of psychological procedure, so called, which in the past has eliminated many children from the privilege of school, have been put so seriously into question, the IQ testing, the fact that on the basis of a single IQ given by a young school psychologist, you know, could in effect ruin a child's life forever because he typed him as a certain individual.

And this, of course, we found very definitely in several of the cases. A child was once labeled with an IQ and remained in this category because there was no annual review to which you make reference. I may say, Mr. Chairman, that within the past 2 months I met in an eastern city a young, vivacious, very charming young lady who is attending an excellent college specializing in linguistics.

I was very pleased to meet such a pleasant and intelligent young woman. I was utterly shocked when I found out within 10 minutes that for 7 years she had been imprisoned in a class for retarded children in one of our western cities because she had a Spanish surname and came from a Spanish-speaking home. Seven years it took until one teacher said, "Goodness, this is not a retarded child; this is a gifted child."

Now, I'd like to make one comment because it is important for this committee to know how hard it is for bureaucracies to change. Because she was indeed admitted to a high school program when the mistake had been recognized, but when this gifted young lady wanted to take the academic course in high school, she was denied because she had been in a class for retarded children. The fact that she had been there unjustifiably made no difference; rules are rules.

So she dropped out of school. And it was merely by happy circumstance that at the University of California there is a program for non-high-school graduates that she got back in an academic career and now is here doing highly specialized studies in linguistics which I would have trouble to understand.

But this is a good example of what can happen with a labeling and the lack of periodic review. And I think this kind of thing, Mr. Chairman, has been sufficiently exposed now by these court decisions, and I think in that respect we have seen much progress.

If you ask me how many additional schoolrooms have been made available, how many additional teachers have been hired, I would have to be a little bit more conservative in my comments. Obviously, these are more difficult questions, they relate to school budgets which have to be prepared a good time ahead of time.

But I do feel rather optimistic. I think the findings of the courts, and in particular this policy statement of the professional people themselves, plus the continued interest of legislators both in Congress and on the State level, will get this done. I am optimistic, but I also realize that this is a difficult process, and you see before, for instance, any new funding really will get down to West Springfield or Collinsfield, whatever little town in Maine, it takes a little while.

And one concern I have relates to training. I must repeat it again because your bill quite rightly stresses quality. To have quality education, we need well-prepared teachers, and for this reason I again emphasize that for the Federal Government, for Congress to take action on this bill, without at the same time recognizing our dependence on funds for training, would really give us a very unsatisfactory situation.

Senator WILLIAMS. This is comparable to our national efforts in the delivery of health services, same thing.

Professor DYBWAD. That's right.

Senator WILLIAMS. Now, you mentioned this young lady who was improperly classified. Now, we in our bill, we have the due process procedures, evaluation, independent observation, and all of that. How under our bill would that young lady ever know that she had these rights?

Professor DYBWAD. Well, first of all, what is different already in our State, what has been different in Illinois, I would like to give credit to the State I think that initiated these procedures, these decisions affecting the whole lifetime of a human being no longer will be made by a single individual.

A school psychologist who in many States were notoriously the most modestly trained individuals, a school psychologist sitting somewhere in some office affixed an IQ to a person, and on that basis other people sitting far away in some other office made further dispositions. And this will no longer be possible.

Under our Massachusetts law, for instance, and particularly the regulations we are developing, this is a group decision. This is no longer an individual's decision. It is no longer a decision that is based merely on an intelligence quotient, but on an evaluation.

ADVOCACY PROJECTS

The question of the rights of the individuals is something that is of great interest to me, the whole question of advocacy. We have it, of course, in part in our institutions now. We are trying to develop it in Pennsylvania, a new system has been developed in Pennsylvania of advocacy in response to the suit.

Let me say the Pennsylvania Association for Retarded Children, having successfully prosecuted the suit, having gained a very favorable ruling, having been assured by the appointment of two masters that the court would make sure that there would be adequate pursuit that this is implemented, said to itself, "What can we now do?" And they came to this question.

And, therefore, they have developed a system of advocacy, they gained some funds, and they are training now individuals to be available as advocates to handicapped children. And I think it is this kind of a situation that we can introduce.

It is entirely possible, sir, that to the same extent which a policeman has to carry now a little card with the *Miranda* decision, we can make known to children in classes for handicapped children their rights. That can be done very nicely. This obviously would be done more in classes of older children, but it can be in classes with parents.

In Pennsylvania we have brought out the most careful procedures. If a child is to be placed in a special class, this must be made known to the parents with the reasons and along with the reasons they are informed of their rights, and Pennsylvania has gone to every extent. If it's a foreign-speaking family, it has to be sent to them in the language of the parents' home, and so on. I think these are not very difficult procedures to meet.

I appreciate your pointing them out, but I think in part the court rulings include this. In Pennsylvania the consent decree which was put in an order by the three judges made it very clear that this system could only work if the parents and the children were aware of their rights.

Senator WILLIAMS. You mentioned this, but maybe we had better come back to it. On the educational programs in institutions and the progress to deinstitutionalize, could you discuss this?

EDUCATION OF INSTITUTIONALIZED CHILDREN

Professor DYBWAD. This is a very difficult problem, Mr. Chairman, because on the one hand we owe something, of course, to the children presently in the institutions. We must provide them with minimum creature comfort, with safety, and, of course, with services, rehabilitative educational services. On the other hand, we must make sure that as many of these children as possible, even though they may have to reside in the institution for a certain time, get their schooling as close, as you express it, as close to that of other children.

And I am happy to report that at least it is being demonstrated in several parts of this country that it is feasible for children to reside in the State institution, for instance, for the mentally retarded and still to go to school in the community. This is happening right now to a very limited degree, for instance, where 25 minutes from here at the Fernald School where certain children leave the institution every morning and go to the classes in their home communities.

Much of this, much more needs to be done in this respect and I think your provision, which I read to mean that you will not support a State program unless the State education authority supervise all programs no matter where they take place, that under such a program which we have adopted in Massachusetts there will be increasing coordination between the education efforts in the institution and the education effort in schools.

A lot was made in the past, Mr. Chairman, by certain people in the institution who said, "We got to have our own system, we got to have our own teachers, only we know how to educate these children." That was well and good in the institution, but what about the transition to the school?

I think we are a lot wiser by saying the teachers in the institution should be as closely qualified, if not have the identical qualifications, as the teachers in the regular schools. There should be no salary differential. Basically the same kind of people should be available. And, of course, basically a program, a special education program which links in with the special education program in the community.

On this basis I think we can begin to at least deinstitutionalize the education program, subsequently the whole child. And on this basis also we can work out one problem. You see, many of the special education directors in even our better cities have such a narrow experience that they still call a large group of children uneducable, just as many of our psychologists, because of their limited experience, call a large group of children untestable.

We know both judgments are unsound, not based on scientific evidence. You can test any child; you just got to know what test to use. And similarly you can educate any child; you must know what kind of education process to use.

Now, if we have a unified system, Mr. Chairman, and if thereby the program in the institution dealing with the more severely and even the profoundly retarded proceeds in a manner that can be conveyed to the community schools, then you see we will get ready for this next stage in deinstitutionalization, then the community schools will know how to accept these children, they will know that they can be educated, they will know what kind of program is possible, what kind of progress these children can make.

And so for this reason I feel that this provision on which I commented so favorable, that there must be a unified direction of the education program, will go far toward this. Again, having spent many years in institutions I realize how difficult it is. I realize that to suddenly say to a parent who has been told for 12 years that his child is incapable of doing anything, who has been told 12 years ago to put his child in an institution, it is the only thing you can do for him, such a parent is not immediately ready to simply say, "Oh, isn't it too bad I made a mistake 12 years ago."

Deinstitutionalization is a difficult process. We will meet with many obstacles. But I do feel in the educational sphere, because of the existence of community school systems to which we can relate and the educational sphere, we have a good basis for making progress. Again, I am optimistic.

Senator WILLIAMS. Who accepted responsibility in the individual case that you mentioned that is close to here, was it the State?

Professor DYBWAD. Well, an imaginative assistant superintendent for education and training went to a large number of school systems in the vicinity of the institution.

Senator WILLIAMS. Was he a State official?

Professor DYBWAD. State institution, and in the State institution as an assistant superintendent for education training he went to the local school programs and worked out agreements with them and in one instance when the local school was not able and not ready to accept some of the more severely retarded, youngsters who had never been inside the school, the school gave him money, the school board gave him money to hire a teacher so that he could work in the institution with the children belonging to that community.

I have felt for a long time, Mr. Chairman, in any human services, where it is of benefit to a local community, to call a child delinquent, they will do so because then the State pays for him as against calling him dependent when the county has to pay. In such a State children are the hapless victims.

And similarly, as long as a school district could send a child sent to a State institution and then be rid of the fiscal responsibility, as long as such a system existed, children are victims. What we are espousing is a system whereby the local school board must pay for the child no matter where he is. And once they have that responsibility, we will quickly see that many school districts say, "As long as we pay for it, let's do it ourselves." And that, I think, is the key to a very important change.

Senator WILLIAMS. Very good. Excellent. Thank you very much, Professor Dybwad.

Our next group of witnesses bring to us their unique personal experience as parents of handicapped children and individuals who have searched for services on their own families and friends. Let me just go right through the group to appear at this time.

Barbara Cutler, Arland Atkins, John Doone, Sally Barnhart, all from Massachusetts, Robert Melander of Connecticut; Mrs. Richard Walbridge, Peter Hickey, and Emily Sheldon from Vermont. Everybody present? Well, we picked a nice day to travel so far. We promise you good weather on the way returning home, too. From left to right will you identify yourselves.

Mr. ARLAND A. ATKINS. I am Arland Atkins from Chelmsford, Mass. I am a parent of an 8-year-old deaf child.

Mr. JOHN DOON, JR. I am John Doon from Worcester. I am the parent of a physically handicapped retarded son.

Mrs. SALLY BARNHART. I am Sally Barnhart, Longmeadow, Mass., mother of a mongoloid boy.

Mr. ROBERT MELANDER. I am Robert Melander from Hartford, Conn. I am a parent and a few other things.

Miss EMILY SHELDON. I am Emily Sheldon from Rutland, Vt. I have been a program developer in a children's rehabilitation center for the last 28 years.

Mr. PETER HICKEY. I am Peter Hickey from Proctor, Vt., and I am a handicapped student.

Mrs. RICHARD WALBRIDGE. I am Mrs. Walbridge, mother of a handicapped daughter who is a paraplegic.

Senator WILLIAMS. Thank you. Now let us organize here. Mrs. Barnhardt, you are right in the center of the panel there. Would you like to begin your statement?

Mrs. SALLY BARNHART. Yes. You have a great deal of fortitude, I would like to mention. This is not easy to concentrate on, I hope, this is short, but I hope that you would stop me and question me if you wish to. It is much more material than I would like to present.

Senator WILLIAMS. All right, we will.

STATEMENT OF SALLY BARNHART, PRESIDENT, HAMPDEN COUNTY ASSOCIATION FOR RETARDED CHILDREN, SPRINGFIELD, MASS.

Mrs. BARNHART. I am the president of the Hampden County Association for Retarded Children in Springfield, Mass., and the mother of a 9-year-old mongoloid boy. Philip is fortunate. He is in a good public school system. He can read between first and second grade level. He can add and subtract. Many retarded youngsters are not so fortunate. For many retarded children and older people, the choice is to sit home alone all day or to be placed in an institution. Families should have more of a choice. Some of those who are able to keep their children at home need comprehensive community services. Others need primarily an effective public school education.

Before I discuss what I feel is public school responsibility, I would like to share with you the premises upon which my suggestions will be based.

(1) All children should be helped to develop their potential.

(2) Retarded children have the same needs as normal children. They need to be helped to learn, they need companionship, and they need to be loved.

(3) Parents who pay taxes to support an educational system have a right to have their children included in that system. Many children, today, are excluded.

(4) Essential for any specialized program is the best possible system for diagnosis and evaluation. This evaluation should be periodic and an integral part of every service.

In keeping with my premises, I suggest the following developmental, educational outline. I do not expect that the public schools be responsible for the total program which follows; however, I would urge the closest cooperation between the Departments of Mental Health and Education in sponsoring these projects. The outline is as follows:

(1) For newborn retarded babies and their parents, we need a training program which would continue, if necessary, up until the age of 3 years old. Specialized help at this time can prevent many physical, psychological, and social problems from developing. It is easier to train

than to retrain. It is difficult for parents to handle this situation completely alone, particularly if the retarded baby is a first child.

(2) For the 3- to 6-year age group, we need sound nursery school programs. It is essential that our retarded children learn to function with other children in a group setting. It is here that they learn to share their toys, their friendships, and their experiences. Retarded children are often alone. Therefore, it is harder for them to learn many of the necessary social skills. It is vital that this learning begin at an early age. We have retarded adults from our institutions, now living in the community, who have all of the technical skills to manage their own lives and to earn a living, but they cannot do this because of their lack of social skills. Incidentally, Massachusetts can be very proud of its nursery school program for retarded children.

(3) For the 6- to 12-year-old group, which would correspond to kindergarten through fifth grade, we need an elementary school program in the regular school system. In addition, we need satellite developmental programs either in the school or in the community for the youngsters who are still not ready for a school program and who need more specialized training in behavior modification and developmental learning. The school system does not have to administer the program itself, but it should be able to purchase this service and provide for it. Massachusetts has a fairly well-developed system of developmental learning centers, including some for the multiply-handicapped. Some of these retarded youngsters in wheelchairs, sometimes blind, have never been out of their own homes until the recent advent of these centers.

(4) For the junior high and high school years, ages 13 to 25, we need a combination academic and vocational training program. These should be regional programs because we feel it is the best way to provide a comprehensive service. This area, too, needs specialized satellite programs in continuing developmental learning and prevocational training, with specialized help in behavior modification, speech, and basic living skills. It seems that much of the hope for progress toward regionalization of vocational education is hampered by lack of space. Construction money is needed as well as program money.

(5) For the retarded over 25, often the forgotten people in this world, we need ongoing vocational training and retraining units, along with work activity and day-care mental units. Many retarded may not be able to work in the community but are able to work in a sheltered workshop situation and make a contribution to his own life and the lives of others. In one situation, a group of women with IQ's of about 20 were taught to make exquisite lace which was in demand for sale. What a creative idea in an area frequently considered hopeless.

The challenge is here. Retarded people can learn. It is possible to develop effective programs. These programs need not be overly expensive, but they need to be well thought out, well executed, and well evaluated. And let us remember, that retarded people are also citizens.

Now, that's the end, but I want to say something else if I may. We have just been to Omaha along with quite a few people from Massachusetts, including Mrs. Sargent and most of the upper echelon in the Department of Mental Health, and they have developed—maybe you

have heard of it—a very interesting method for teaching retarded children.

They say it can be applied to the bright children as well, but I don't know much about it. They call it precision teaching. Has it been mentioned this morning?

Senator WILLIAMS. No.

Mrs. BARNHART. It is an interesting system of pinpointing the direction you want to go, developing a very creative program to reach this goal within a structured situation; but very creative in your approach. And it also provides a system of evaluation.

I think it was Burton Blatt who said that special education is neither special nor education. Usually it is a watered down academic program which usually is not tailored to a retarded or handicapped child. We are not looking at the child and building the program about him. We are still fitting him into a schoolroom.

But this precision teaching, I am going to do a lot more research on it myself, sounds like a very interesting way to teach retarded. Not the only way, but it is new, it is being explored.

Senator WILLIAMS. Where is this being explored?

Mrs. BARNHART. Omaha, Nebraska.

Senator WILLIAMS. In the public school system?

Mrs. BARNHART. No. It is a county system of services to the retarded at the moment, although they are beginning to bring the public school into it. But it is a county system now and they have taken severely retarded children, they have them in hospital units, behavior grouping units, and I have never met such a young, delightful, committed group of young people in my life that are involved with this, who find that it is working very well and are very enthusiastic. So I just wanted you to hear about it if you hadn't already. Thank you.

Senator WILLIAMS. All right. When we have had all of our statements, why then probably we will have time for a general discussion. Peter Hickey is our next witness. Mr. Hickey, you are from Vermont. My list of witnesses here doesn't tell me what part of Vermont.

Mr. HICKEY. Proctor, Vermont.

Senator WILLIAMS. Yes, you did say Proctor.

Mr. HICKEY. Yes, right south of Pittsford, Vt.

Senator WILLIAMS. That's not far from Rutland, is that right?

Mr. HICKEY. That's right.

Senator WILLIAMS. Central Vermont?

Mr. HICKEY. Right.

Senator WILLIAMS. Near the capital?

Mr. HICKEY. No, about 70, 80 miles from the capital.

Senator WILLIAMS. Do you have any aspirations to work in the capital in any capacity, by the way?

Mr. HICKEY. Well, not the Vermont capital. I want to go into law.

Senator WILLIAMS. Oh? Very good. You didn't say where you are a student. Where are you a student?

Mr. HICKEY. I am a senior at the Orter Valley Union High School in Brandon, Vt., which is just north of Pittsford, Vt.

Senator WILLIAMS. All right. We have been looking forward to your statement, Peter.

**STATEMENT OF PETER HICKEY, PROCTOR, VT., SENIOR AT THE
ORTER VALLEY UNION HIGH SCHOOL IN BRANDON, VT.**

Mr. HICKEY. Ladies and gentlemen, my name is Peter Hickey, and I am here to talk about some of the problems that students with motor handicaps face in the public school systems.

You have probably all heard Senator Williams' statistics on the number of handicapped children in the United States; and you have probably heard it said that 60 percent of these children don't receive an education, and that the remainder don't receive an appropriate education. But those statistics don't relate the anguish, the frustration, the agony that these handicapped children and their parents must endure. They can't possibly reflect the private hells of those handicapped persons who must live as parasites of society simply because they never received the education necessary to support and maintain themselves while making a useful contribution to society.

I can't do all of those things either, for I have only my own experiences and those of a few of my friends to fall back on. These experiences entirely concern motor handicaps, so I will confine myself to that specific area.

The most obvious problem of the motor-handicapped student is that of physical barriers. Such things as stairways, narrow doorways, improperly designed restroom facilities and a myriad of other barriers that most nonhandicapped persons take for granted, present a serious problem for the motor-handicapped person. In many cases, these barriers impair or even destroy a handicapped person's educational opportunity. A friend of mine, who used to attend Burlington High School in Burlington, Vt., could only take the courses that were held on the ground floor of her school. Barriers also prevented her from contacting the guidance personnel in her school. Another friend of mine, who was under the Wells school system in Wells, Vt., was forced to attend classes with students 2 years behind him because he would have to go up a staircase in order to attend classes with his peers. Although he was physically able to negotiate the staircase, the school would not let him do so for fear that he would hurt himself, and that the school would be held liable. I myself must travel outside my school district to attend high school; I could never negotiate the barriers at Proctor High School.

Another major problem that the handicapped face in the public schools is that the attitude of the school personnel. This problem exists from the school board right on down to the faculty. When I was 7 years old, the school board in my hometown, Proctor, Vt., attempted to shut me off to a special school, using as one excuse that I didn't say "please" and "thank you" to the custodian for assisting me. I have heard handicapped persons describe teachers who considered them as inferior beings unfit to receive an education. I have heard of guidance personnel who ignore the problems of a handicapped student because they don't understand such problems. These things occur far more often than most of us would like to think about.

I am not saying this happens in all cases. There are some very dedicated teachers who do have a lot of concern for the handicapped, but these things occur a lot more often than most of us would like to think about.

Transportation is another big problem. Getting to and from school, attending field trips and other educational activities held outside the school, and participating in extracurricular activities are all problems that are faced by the motor-handicapped student. I've missed many field trips in science courses and history courses because of the transportation problem. I am on the debate team at my school, but there are many tournaments that I can't attend because of either the transportation problem or the problem of physical barriers at the place the tournament is being held at.

A lot of these tournaments, the out-of-State tournaments where the big competition comes, I miss a lot of these and these are important tournaments.

These are just a few of the problems that face the motor-handicapped in the public schools. But these problems can and do prevent many such students from receiving an adequate education in these schools.

We who have handicaps have just as much of a right to receive a quality education as does any other person. Although it may cost more money to educate us than to educate a nonhandicapped person. We will more than make up this cost with our contributions to society that are made possible by special education. That, to me, is the best reason to adopt this bill.

Mr. Nixon and his various Republican cohorts who are all-fired concerned about saving our budget and cutting down our cost, they say this isn't a good program, they say we shouldn't finance special education. Well, I challenge that person, I challenge him to spend 1 day in a wheelchair and then see if he is so all-fired up against having special education and I'd like to see if he'd actually be opposed to this bill. Thank you.

Senator WILLIAMS. You can go on if you want. Well, I can see that you are ambitious, you are not going to stop in Montpelier too long, are you? That's excellent and very helpful. I hope you can stay here with us through the entire panel. This fellow has to go, the TV man, I understand, but I am glad you caught that. Will you give permission for that to be shown on all channels, sir, by that machine?

Mr. HICKEY. Well, OK, just as long as they don't show it in Brandon.

Senator WILLIAMS. Where is that?

Mr. HICKEY. Brandon, that's where I go to high school.

Senator WILLIAMS. Let me get that one point straight again. You had to go to another community?

Mr. HICKEY. Yes; I have to travel some 15, 20 miles to go to school.

Senator WILLIAMS. That was because of the architectural barriers in your own school?

Mr. HICKEY. Yes. They have an elevator in my school in Brandon; they don't have one in Proctor.

Senator WILLIAMS. Well, you know, our school architecture these days is running more to one level. I am not sure why, but that will make one of the problems easier, I would think, for some.

Mr. HICKEY. I ran into a school like that, Essex Junction High School is good for handicapped students.

Senator WILLIAMS. Let us get on now. Who will be next? Mr. Doon.

STATEMENT OF JOHN DOON, JR., WORCESTER, MASS.

Mr. Doon. This testimony deals with my wife's and my efforts and frustrations to achieve services and programs for our son—John A. Doon III.

John was born at St. Vincent Hospital on October 9, 1964, with multiple handicaps and retardation. The first year of John's life was a most anxious one in which we were never sure of whether John would live or die. At this time, we as parents would have appreciated more direction from some professionals as to what services were available to service John. There was no communication from any social service to us and we had to begin exploring on our own what lay ahead. Our pediatrician, who was also at a loss of what services were available, tried his best to find agencies that could help John. It was mainly through his efforts that we were referred to Children's Hospital for diagnosis and evaluation and to New England Medical Center for further diagnosis, evaluation, and treatment.

The only agencies available in the Worcester area for a preschool handicapped retarded child were a cerebral palsy clinic sponsored by a private source and the Worcester Comprehensive Care Center for Retarded sponsored by the Department of Mental Health. For the first few years, the cerebral palsy clinic served us in a satisfactory manner with the physical handicap of my son, but it lacked the trained personnel to deal affectively with John's retardation. The physical therapist often ignored the retarded child to work with a normal child. The Worcester Comprehensive Care Center also did not have any person trained in retardation for programing the retarded child and the nursery programs were at times little better than a baby sitting service. The Worcester Comprehensive Care Center did not have any facilities for providing therapy for the physically handicapped. This necessitated parents taking their child from one agency to another to secure the necessary services. Even though the services at the Worcester Comprehensive Care Center were inadequate, there was a long waiting list to obtain services and parents often had to wait months for a program.

Another point of frustration was the attitude of a national foundation dealing with cerebral palsy who took a most arrogant attitude toward us as parents when we asked them to help us establish in Worcester a comprehensive facility that could service a cerebral palsied child. As a protest against this attitude, parents have refused to participate in the annual telethon sponsored by this foundation. Another point of frustration for us as parents of handicapped retarded is that most agencies that service handicapped (e.g., rehabilitation centers) are ill equipped to handle problems of retardation and try to discourage retarded patients.

When John reached 6 years old, we were faced by the problem of where he would go to school. We were told—"There is no school program for the trainable-handicapped and the most you can expect is a homebound program." We and a number of other parents refused to accept this and moved forward to explore the most efficacious way to gain our ends—a school program for trainable-handicapped. We were greatly encouraged in this move by the staff at New England Medical Center who kept insisting that John should be in a school

program and that the city was responsible for establishing such. To plan our course of action we met with a representative of the school committee, Mr. Roger Brown; a representative of the State department of education, Mr. Edward Connelly; and our own State senator, Senator John Conte. We next contacted the president of our local area board for mental health and retardation, Mrs. Rosalie Wolfe and the president of the local Association for Retarded Children, Mr. Seth Thomas. Both the area board and the Worcester association gave us their fullest support. With backing of the board and the association, we met with officials from the Worcester schools and were able to establish in September 1971 an experimental trainable-handicapped class housed at Worcester Comprehensive Care Center taught by a special education teacher from the Worcester schools. This program opened with five students. The school year 1971-72 proved to the Worcester schools that such a program was needed and in September 1972 this program was moved to Mill Swan School and became a regular part of the public school program. There are now eight children in the class and a waiting list of children hoping to get in. There are at present inadequacies in this program (e.g., size of room, poor ventilation, waiting list, etc.) but with the cooperation of Mr. James Underwood, special education director of Worcester, we hope to remedy these problems this coming year.

The successful move to achieve a much needed school program showed us, as parents, the need to have a united front. In January 1972, the Worcester Area Association for Retarded Children established an education committee with me as chairman for the purpose of investigating parent's complaints on lack of educational programs for their child and to try and work with the school system to rectify problems. The education committee up to November 1972 had met with two school systems (Worcester and Millbury) to rectify some existing deficiencies in programs. However, in November 1972 the education committee now under the chairmanship of Mr. Robert Lombardi met with the Spencer schools and through their superintendent, Mr. Edward O'Connor, the committee met a wall of resistance and experienced a sense of complete frustration. On March 15 of this year—1973—the education committee recommended to the membership of W.A.A.R.C. the establishment of an advocacy committee. This was established with me as chairman for the purpose of securing legal counsel and taking the necessary legal action to force compliance with the existing rules and regulations governing the education of the retarded. The advocacy committee is now representing Jeffrey Miller, son of Mr. and Mrs. Raymond Miller of Spencer. The legal counselor is Attorney Stanford Von Mayerhauser of the law firm of Bowditch, Gowitz & Lane.

Mr. Miller will be able, in his testimony, to fill you in further on his experiences.

Just to deviate from this 1 minute, what we have done to the point is we have lodged complaints against the Spencer schools with the State department of education. On April 13 they held a regional board meeting to have us present these complaints to them. They are now in review and the findings will be referred to a State review panel. But the association intends to take legal action if necessary.

I called your office because I thought this was very pertinent to this inquiry and asked if Mr. Miller could present the case of his frustration, and your office said he could when we called. Our legal counsel is here, Attorney Stanford Von Mayerhauser, and if you have any questions of him, he did not intend to say anything, but just to advise us. But if you had any questions of him, he'd be happy to answer.

I note Dr. Dybwad mentioned advocacy and we have found it necessary to move in this direction. Well, even with rules and regulations that Massachusetts has and the laws that are on the books, we as a parents group had to move in for legal action to get the necessary services we felt were needed for the children.

Would you want to hear from Mr. Miller?

Senator WILLIAMS. Well, after we run through the panel I am sure there will certainly be time. Excellent, Mr. Doon, Mr. Atkins.

**STATEMENT OF ARLAND A. ATKINS, PARENT OF A DEAF CHILD,
CHELMSFORD, MASS.**

Mr. ATKINS. Our society has in the past shown intolerance and rejection of the handicapped. Many of the problems stem from misunderstandings regarding the handicap. In reality the handicapped as a group constitute a large potential asset to society. But, in order to realize this potential, society must provide the handicapped with the full and equal educational opportunity they need to reach their maximum capabilities.

Programs for elementary education of the hearing impaired child in Massachusetts are on the whole not successful. The academic achievement of most hearing impaired pupils is embarrassingly lower than that of hearing students. There is no systematic or coordinated approach to the education of the hearing impaired in the State. What is available is an aggregation of different program elements scattered across the State—day classes, day schools, and residential schools.

Some day classes have been established on an inadequate base, resulting in small, isolated multigraded classes with too wide a range of ages in children. There are no uniform or generally accepted curriculum guidelines throughout the entire educational system. Hearing impaired children are not given the broad, adequate diagnostic evaluations they need, nor are they all systematically followed up in terms of their progress in any program. There is a serious lack of communication between the private day/residential schools and the public day school and day classes, resulting from a lack of adequate supervisory personnel at the State level and resulting in an educational program with serious discontinuities. Integration of hearing impaired children in regular classrooms varies greatly in effectiveness and meaning. Many hearing impaired children may do well academically in an integrated classroom, but fail in their social and emotional adjustment. Some teachers in the regular classroom may allow the hearing impaired child to "get by" and not make the child work up to his own capabilities. It comes as a distinct surprise and shock to many persons when they learn that special education for deaf children in Massachusetts stops at the end of the 8th grade. All of our schools for the deaf offer only an elementary education, and none of the day class

programs in hearing schools has been extended into the junior and senior high school level.

This spring after many long years of parental waiting, a high school program for the deaf is in the planning stages with partial implementation slated for September 1973. Some of the schools for the deaf have been prolonging the education of their older deaf students by offering a kind of postgraduate program, often largely vocational in emphasis, to bridge the gap between graduation from elementary school and readiness to do some kind of work in order to earn a living, since further special schooling is not provided for the average deaf student.

This means that the average deaf student must end his education at a level roughly comparable to that of a 12-year-old hearing child, and in some cases the level is even lower because of the delay the deaf child experiences in acquiring mastery of the language. Of course, the deaf child is likely to be several years older than the hearing child at this point in his education, because his difficulty with language forces him to function academically several years behind his hearing counterpart. But just as we would not say that a hearing child is ready to leave school at the end of his elementary schooling, we should not allow this to happen to our deaf students either. In the end, it is society that loses if we do not educate these young people to a point where they can function adequately in society and as wage earners.

In Massachusetts the parents of a hearing impaired child has few options regarding the education of the child. Because of the limited programs available for the hearing impaired, parents are often forced to compromise the quality of their child's education in order to obtain a position in a program. The parents are forced to place the child into a vacant position in an existing program with little regard to the true educational need of the child. The parents must evaluate the child's progress often with little or no professional help. Parents are constantly confronted with finding a place for the child when told that their child no longer fits into or can be provided for in an existing program. Education of the handicapped is very frustrating from the parents' standpoint. The problems associated with general education are compounded for special education. Parents are forced to become involved in finding and evaluating programs. Parents who have limited education or who are from minority groups feel frightened by the educational establishment and will not become involved as required and consequently will accept less than quality education for their children. For the hearing handicapped to realize their maximum potential and become the useful citizens that they can become, a relatively small investment in their education will pay ample dividends.

Senator WILLIAMS. Thank you very much, Mr. Atkins. What is your hometown?

Mr. ATKINS. Chelmsford, Mass.

Senator WILLIAMS. Where is that?

Mr. ATKINS. That's north of Boston.

Senator WILLIAMS. Has your child's disability been since birth?

Mr. ATKINS. Yes. My wife had rubella the first 3 months of the pregnancy.

Senator WILLIAMS. In your personal experience, when was there public education first available to your youngster?

Mr. ATKINS. Well, public education is available in this State in preschool nursery programs. There is some private education available nowadays. The problem is the discontinuity in the program. There is not a continuous program planned out for the individual child. It is up to the parents to provide the community in the program.

Senator WILLIAMS. Well, now, this hearing disabled child's need for education really begins at birth, doesn't it?

Mr. ATKINS. Right.

Senator WILLIAMS. That's why we are here talking, and our friend from New Hampshire, his legislation begins at birth. Am I right on that, Representative Spiro, your legislation goes from birth up?

Mr. SPIROU. Birth to 21, right.

Senator WILLIAMS. Now, the hearing disability child born with a disability, educational needs begin right then, don't they?

Mr. SPIROU. Right on, yes.

Senator WILLIAMS. Is that what you are reaching in your bill?

Mr. SPIROU. Right. As soon as they identify the problem, then the State would have to provide services.

Senator WILLIAMS. Certainly if that isn't available to the child with a hearing disability, come age preschool, kindergarten, whatever you call it, you are not ready, is that right?

Mr. ATKINS. Right.

Mrs. BARNHART. Same with retarded, you have to start at the beginning.

Senator WILLIAMS. With most of these disabilities.

Mrs. BARNHART. Otherwise you are behind before you get started.

Senator WILLIAMS. How about you, Peter, when were you disabled?

Mr. HICKEY. Well, I had polio when I was 3 months old.

Senator WILLIAMS. Three months old. It is the same situation in a sense. Yours is strictly a physical problem getting around, isn't it?

Mr. HICKEY. Yes.

Senator WILLIAMS. Somehow I have a feeling that you not only didn't have to catch up, I have a feeling you advanced ahead. Well, we could get some of these details, but we better finish our panel. Miss Sheldon.

STATEMENT OF MISS EMILY SHELDON, PUTLAND, VT., PROGRAM DEVELOPER IN CHILDREN'S REHABILITATION CENTER

Miss EMILY SHELDON. The concept that all children have a right to education has long been accepted for the nonhandicapped child, no matter how much appropriations are being cut at the State level or local tax rates are increased. There is no corresponding commitment to the education of all handicapped children, and this consistently becomes an area in which to cut costs.

For instance, in Vermont, parents of handicapped children have had to go to the legislature every time it convened since 1953, in order to make sure that appropriations were not cut or to back special education division if any changes were being proposed. Likewise, while it is accepted, it is well known that all nonhandicapped persons given an education do not become taxpaying citizens, the value of the investment for the education of severely handicapped children is often questioned.

Thus, having S. 6 sets the stage so that all handicapped children may have their chance of an education more quickly than if all funding is left to local and State funds.

The general public is aware only of the visible, obvious aspects of handicapping on the one hand and special education on the other. As program developer in a children's rehabilitation center for 28 years, both before and after the passage of Vermont's 1953 Special Education Act, I see many other less known but important aspects which warrant consideration.

IMPACT ON THE FAMILY

A handicapped child is, oftener than not, a part of a family. Therefore, what is done for that child has real impact on a total family constellation. Also, regardless of the child's prognosis for learning, in most instances, and due to modern medicine, life expectancy may resemble that of the general public. Remembering both the family group and the length of life for the handicapped person, it is essential to offer suitable special education regardless of how limited the child may be. The able child with the athetoid type of cerebral palsy, for example, may not be able to walk, write, talk, or manage full self-care. However, if he or she is taught to read, the world of books offers infinite vicarious living; if taught to type, using adaptive apparatus and an electric typewriter, communication is made feasible. Both give purpose of living. Likewise, the child terribly damaged by early maternal rubella, may be helped to live following a familylike schedule so that a busy mother may have uninterrupted sleep. That same child may be helped to accept a nourishing diet so there is health and physical comfort, may be taught to walk to reduce the lifting problem which increases with growth, and may be helped to develop some meaningful communication system for safety, to make wants known, and to extend his or her world out of self.

THE NEED FOR COMPREHENSIVE SERVICES

I think it is hard for people who are not closely associated with families having a handicapped child to realize the terrific impact of some handicaps on an entire family. One of the rubella syndrome children whose family I have known well had never known what it meant to have father and mother go off by themselves for any kind of entertainment.

The mother had never had a peaceful night's sleep in the 6 years before we knew the child. Nobody in the family could have any kind of satisfaction in bringing people in from outside because this child was constantly uncomfortable and wailing almost all of the 24 hours a day. She rejected everything but tomato soup and apple sauce. This is a common problem with children with rubella syndrome, not that they eat tomato soup and apple sauce, but they reject a balanced diet, so that she was chronically malnourished, uncomfortable, and had reason to wail.

I think that gives you some idea of how we have to consider the entire family and not just the child. Another thing that we sometimes miss in considering handicapped children is that they often lack skills which are completely automatic as far as we are concerned. Facial paralysis may prevent smiling or any change of facial expression to show our moods. It may prevent lip closure, eyelid closure.

Most children use the 52 or more muscles from the abdomen to the mouth needed to articulate speech without even thinking. Position sense, which lets us know when we are upright, when we are leaning to the right, to the left, is something that we can take for granted, but it is something that becomes a very serious problem in youngsters where this wonderful sense is missing.

The swallowing reflex, which we never have to think about, prevents drooling. The warning that there is a need to urinate or defecate may be inadequate or lacking. Control may also be lacking or inadequate. Visual fields may be limited, such as the right field in each eye. Thumb-finger opposition for easy grasp is also something that we can take for granted. There are many people who lack this. All you have to do is to try and pick up a piece of paper or anything of weight between your other fingers to appreciate how wonderful thumb-forefinger opposition is. Likewise, automatic release of grasp is very important.

One of our young people talked about dancing one time and he grasped the back of the girl he was dancing with, accidentally, it pinched her, it hurt her, but he couldn't release his grasp. She finally laughed. The laugh let him release the grasp and stop hurting her.

The ability to interpret what is said or heard or felt—these are things that we can take for granted. I can put my hand in my pocket and I know what is there. There are many children who have to have long training in order to be able to identify from touch what they need to. The ability to relax and to sleep is something that is a tremendous problem in some of the handicapped children.

Special education is not, of necessity, confined to the classroom, but instead a multitude of special training approaches to facilitate the acquisition of knowledge; occupational therapy to teach self-help skills, use a paralyzed arm and hand as a helper, develop compensatory apparatus to make hand skills, gross or fine, a real possibility; physical therapy to improve body balance and control (head, trunk, sitting, standing), ambulation, learn to fall and recover from a fall without discomfort, adjust to apparatus, make quick correction when thrown off balance, and devise compensations when man's amazing and automatic position sense is damaged; hearing therapy for those with hearing deficits including the use of other senses in compensation, adjusting to amplification when feasible; speech therapy for the many with language deficits and problems in articulation; adaptive physical education to improve a child's concept of body parts and the most efficient way to move them in a coordinated way, adding both to the learning which is acquired through movement, and also to play skills which are as important to a sense of self-worth as academic success. The list could continue. For some handicaps these services, ancillary to education, are essential if education is to be successful.

Diagnosis, from simple to sophisticated, is an essential part of special education for it is through comprehensive findings that individualized plans are made for each and every child. Local school systems provide some of these diagnostic services, but the more sophisticated ones must be purchased in a center including many specialists. This, then, becomes one of the added costs of special education.

Listing problems, setting long and short-term goals, methods, and ways to measure progress becomes an essential part of special education both to insure efficiency and to cut costs. Estimating the time needed

for training is not easy to do even in the best of facilities because motivation, hidden handicaps, and failure to get the desired result from one approach to the therapy may require one or many different approaches, or even surgery may be needed to reduce limitations in therapy results.

Maintenance of peak health is essential because the handicapped child has to expend far more energy to consciously perform acts which are managed automatically by the nonhandicapped.

We think about lipreading being a wonderful skill. It is a skill, but only about 30 percent of speech sounds are visible on the lips. So it takes an awful lot more than just the skill of lipreading in order to compensate for hearing.

For example, a hard-of-hearing child, using eyes and tiny clues to compensate for poor hearing, fatigues quickly and easily. The child with a damaged position sense has to constantly gage uprightness by door frames, windows, and walls. Therefore, not just token medical care but superlative and complete care becomes essential.

Here again, if a family cannot afford complete pediatric care and is not eligible for medicaid, it would be hoped that this bill might extend some financial assistance. It's already been mentioned by several people at this table that early intervention is essential.

We have been working on what we call a handicapped infant program where parents and their children are seen by a team on a monthly basis. This means that their questions are answered quickly, they are guided as to how to focus on and make use of ability rather than focus on disabilities. And they are given a home program. It is a very inexpensive way to provide care very early. But I agree with the other people at this table that early intervention is necessary.

Ideally teenagers should have training in parenting before the need to assume this role manifests itself. Because handicaps may appear in any family, these young people should have actual involvement with different types of handicaps. Since this early training rarely happens, early intervention, when a handicap is identified, is essential. Inclusion in a preschool group planned for the nonhandicapped might be both feasible and ideal with the addition of a full- or part-time aide for the handicapped child.

Early training is helpful for many reasons. It helps parents focus on abilities to offset their natural preoccupation and concern with disabilities. It helps staff in preschool programs learn more about abilities and disabilities in a more natural and comfortable setting than most clinics. It offers an essential to good diagnosis—carefully documented observations. It offers time for maximum remediation before formal education needs to be considered. It provides an extensive battery of facts upon which to plan as ideal and feasible initial educational planning as is available.

Out of district school placement, particularly where there are no architectural barriers, may be the only extra cost of education for a handicapped child. It is assumed that this law could pay 75 percent of this added cost of transportation since for some children this would be all that is needed to be "special" about education.

Modifications in a toilet stall partition, the ramping of a single school entrance, et cetera, might make regular school attendance possible for a handicapped child. Again it is hoped that this act will have

the flexibility to share this added cost so a poor school district would be able to accept a handicapped child.

It seems very unfortunate that to me the arbitrary lower age of three is included in this bill. Vermont has no lower age limit in its law which was revised last year, and refers instead to early essential education. It seems to me this would be a better way of making provision for children who should have training early than the arbitrary age of 3 in the bill.

Senator WILLIAMS. Thank you, Miss Sheldon. I see that you are currently on leave from the Association for the Crippled.

Miss SHELDON. That's right.

Senator WILLIAMS. Are you professionally active or what is the leave? Are you going back to the Association?

Miss SHELDON. I am not sure at this point. This just came about.

Senator WILLIAMS. Well, we are fortunate we found you or did you find us?

Miss SHELDON. You found me.

Senator WILLIAMS. Well, in fact we are happy we all found each other, however it happened.

Mrs. BARNHART. We are particularly happy we found you.

Senator WILLIAMS. Well, thank you. These Vermont fellows, you have to watch them. I didn't realize it is as late as it is. I suddenly saw the sun over there looking like an afternoon sun and it is afternoon. I thought it was about 11:30. Now, who is next here? Mrs. Cutler.

STATEMENT OF MRS. BARBARA CUTLER, ARLINGTON, MASS., PAST PRESIDENT OF THE ASSOCIATION FOR MENTALLY ILL CHILDREN IN MASSACHUSETTS

Mrs. CUTLER. The Association for Mentally Ill Children in Massachusetts is an organization working to see that the needs of mentally ill and emotionally disturbed children are met. AMIC is affiliated with the National Society for Autistic Children. I am here to express AMIC's full support of S. 6.

In addition to my activities in AMIC I am also a member of the Special Education Advisory Board to the State Board of Education, and so have some awareness and some access to information about programs and plans for special education in this State.

Most of all I am the parent of an adolescent boy who has experienced language and behavior disorders since early childhood. I have known too many times what it is like to seek education for my child and find inadequate and inappropriate placements often at some distance from home, or worse yet, to find nothing at all. Other parents over the years have shared their experiences with me. The lucky few have been able to find help and appropriate education; their children will lead lives of some independence and dignity. Others of us still struggle for services; the future of our children is uncertain. Still others, the most pathetic, have been forced by lack of services to place their children in the State schools for the retarded where they have been forgotten by all.

We support the intent of this bill to serve all handicapped children. For too long on the State and Federal level we have operated by supplying categorical aid for our children. Many of our most seriously

disturbed children have been labeled mentally ill, autistic, schizophrenic, retarded, and even "something else." Without the emphatic "all handicapped children" these most seriously disturbed children will still go unserved.

For some of our children education may be the only help out of a disordered world. For all it is the major way to a decent life. Teachers trained to work with special children and supported with the necessary services, can make the difference between living in the community and being left in the back wards. In this State we have a surplus of special education teachers that we have encouraged to go into this field. We also have the children without education. Public schools can pick up the slack if we infuse more money into the system. My own boy, when all else failed, was saved by a trained and talented teacher.

Senator WILLIAMS. Where was that teacher?

Mrs. CUTLER. She was operating in a Federal pilot project, morning program, based in a State school, but in a rehabilitation and evaluation unit, where he could stay for only 1 year. It was a very short program. and this teacher worked with me and we set up a 24-hour-a-day program. I ran the other 22 hours at home, but only with her help. And my boy was on the emergency waiting list to be placed in Fernald because I could no longer manage him and educate him. And really his education began at that point.

He was 12 years old. We started teaching him everything, how to behave, how to talk, his language was extremely limited.

Senator WILLIAMS. As late as that, age 12. When was that, how long ago?

Mrs. CUTLER. Four years ago. And he's continued to make substantial progress as long as we teach him. But when we stop teaching him, he can regress. You know, he just sort of slides back. He's got so far to go, but he is still going. And my belief is that we can't stop with any of these kids. I am for early intervention, but I think sometimes people are forgetting there are a lot of adolescents out there that never really had a chance, and before we send them over the hill let's give them good, solid, intensive education and maybe we can save a few more.

I have been in the State schools and looked around and you can look at the kids and say that's an autistic child, there is one, there is one. They may be 8 or 22 years old, but they are there and they can be helped with staffing and training. They can be helped.

I have included a few examples here of kids who didn't get help and where they ended up. We are still so short of education in this State. I know a little 7-year-old boy who is headed the same route. He has no speech, he is not being taught to speak, although there's been some really good results with teaching autistic kids, they are giving them language therapy.

I hope Mr. Pace will back me up on this today, but language therapy for kids who can't talk makes infinite sense now, but we didn't do it before. But we are still slow to taking the educational route. I think the Department of Education with its new leadership and special education division will begin to start more innovative programs that will reach out and save some of these kids. It is really saving. Where they are going is just so terrible. In 40, 50 years they will live in an institution.

Senator WILLIAMS. This was a Federal Office of Education program?

Mrs. CUTLER. No; it was mental health, but the teacher who ran it left that system and is now working in a public school in Newton, and she is working with elementary school age kids that would not be in a public school but for her, her commitment, her training, and maybe her stubbornness. I think that helps, vis-a-vis a school system when you are getting started.

I think she's got some very handicapped kids there.

LACK OF CONTINUITY

Senator WILLIAMS. This was just a fortuitous thing then that NIH had this program.

Mrs. CUTLER. It's been this way down the line. We have been saved by the skin of our teeth again and again; a program has come along. And one thing I don't have in my testimony is the strain on these kids that from year to year when they don't have programs. If we subjected our normal children to not knowing where they'd be next year, we'd begin to wonder about their mental health. A handicapped child has the extra burden of never knowing.

We have sort of fallen into programs. When things have been desperate, the most blessed thing that happened to us was this teacher, who really took both of us in hand, and she is a teacher, she's great.

Senator WILLIAMS. Where is your home?

Mrs. CUTLER. I live in Arlington, which is a suburb of Boston. I talked about very handicapped children, and some people think they can't be educated in public schools, but they can and they are. I know about programs, and I'd be happy to give you information about the programs in Lawrence, Hingham, Arlington, Worcester.

By the way, my town started a program. After I realized that my boy could be helped, I delayed until they began the program, and it worked. I'd like to see it happen in more towns, but again the towns are reluctant to try things without money to pay for them.

I think occasionally a real nagging type of parent can help to get a program started, and it was worth it. These programs that I mentioned here—Lawrence, Hingham, Arlington, and Worcester—have been started and supported by local educational agencies. Now, in Worcester, the program is in a State hospital, but it is run by the public schools.

People have a very narrow view of what public schools can do. You may need the whole range of programs, you may need a whole setting, but there is no reason the public school can't run it. I mean their job is education, and what these kids are really lacking is education. Also, there are a couple of new programs, you beat me on the high school for the deaf because I was going to mention that, and there is a Special Education Advisory Committee that's all in full support of developing that kind of program.

I remember a couple of proposals where they are trying to integrate blind children and physically handicapped children, towns are reaching out now to do this if they can get some money. Those are proposals for this coming year. Until now the funding has been innovative programming and this is bad because everybody is so competitive when you need basic services and they need them in every town in the Commonwealth, not just an occasional one here and there.

SPECIFIC CASES

B, 17 years old, was not accepted by State-funded private schools and was given but 1 hour's tutoring a day for several years until his mother with no other help in sight was forced to place him in a State school where he lives today, 7 years later. He does not read or write. He is unable to live in the community unless some good educational services are given him.

J, 15 years old, has had several years of education including his last short-term placement in a residential program. When he returned to his family from that program there was no education for him. When a private school with a Federal grant was found to accept him, there was no money to transport him. His family, overburdened by both poverty and living with a severely disordered boy, then suffered the loss of the despairing father through suicide. J is now living at the State school with little hope for the future.

L is being allowed to attend a Department of Mental Health nursery program for retarded children. He is lucky to be there although his diagnosis is infantile autism. He has no speech at age 7 and no one is helping him to learn how to speak or communicate. He is also hyperactive. The 2 or 3 hours he is in the nursery school are a very small part of his day. Frequently he is awake much of the night. He needs more education than he is getting to prevent his ending up like B and J.

There are several nursery schools for emotionally disturbed children in Massachusetts, but they are too expensive for parents with limited means. Even for parents who can pay the freight there are often no places especially for the most handicapped children.

I have other such stories that I would be willing to share with you if you are interested.

INTEGRATION OF SEVERELY HANDICAPPED

Some will say that these are very handicapped children I speak of. Can they possibly be educated in the public school system or anywhere else for that matter? The answer is, "Yes; they can be." They can and they are. There are a few programs, and they are working in Lawrence, Hingham, Arlington, and Worcester. These are educational programs started and supported by the local educational agencies. Speaking to the needs of greater numbers of substantially handicapped children I would like to add that a high school program for the deaf is being planned and implemented with the full approval of the special education advisory committee. LEA's are submitting proposals for Federal funds to initiate programs to integrate blind and physically handicapped children into regular school. These necessary plans and projects require substantial funds to serve our special children. We support the intent of this bill to provide funds to local and State agencies so that they may develop basic services for all handicapped children. We must go beyond the funding for innovative programming. When we know we have a good program we should expand it.

Last year at this time many of us were working to pass the Bartley-Daly bill which provides for the education of all children with special needs. There was some opposition from certain private schools

which had greater concern for their vested interest than for the thousands of unserved children in the Commonwealth. We know from the programs mentioned above that public schools can serve many children. There are many children in need, more than enough to go around for both private and public schools. Perhaps some schools were afraid that with development of public school programs they would be expected to take those very handicapped children whom they presently turn away. It is a seller's market with the present system.

We just have to begin serving them and the public and private sectors being played off against each other would be a mistake. In my own feeling, in my own experience with some of the private schools, is that they take the winners, they really do. They skim the cream off, that sounds silly, off the handicapped kids, the kids with the best prognosis, and so the most handicapped kids are often the ones that are left without services.

Maybe there isn't going to be any objection from the private sector, I don't know, but if there is, some of it will be because of their fear of being expected to deal with the most handicapped children, which I feel is really their job.

PARENT ACCESS TO RECORDS

There will be objections raised about parent access to records. Parents and children who are able have a right to view records in their own interest. As an educator I have worked in two programs for severely disordered children and I have seen records which casually label parents as schizophrenic or psychotic. Sometimes parents get these labels because they have the temerity to question the opinion of certain professionals. I can tell you of two such parents who are leading quiet heroic lives, trying to help their handicapped children, which children on a 24-hour basis would try the patience, strength, and sanity of any professional. People should be very careful what they put in records. If nothing else parental perusal will encourage those professionals who need to be more discriminating in their choice of terms to watch their language.

This language in the records affects how other people deal with this child. I have another question. Under due process can parents legally release records containing information to which they have no access? I mean if someone signed a contract that they would not allow you to read, would their signature be binding? I think there is a big area that is going to be opened up in a lot of ways, confidentiality of records and parents' access.

There are ways to stay with the family without being insulting or without leading people to believe more serious things are wrong with their family than might be. Many families with a handicapped child are subjected to a lot of stress and I am amazed at the things families have done for their kids, for their handicapped kids.

With respect to the advisory panels in this State, we will be setting up regional review panels which will be half-parents. I think the reason for that is one or two parents among the group of professionals can oftentimes be intimidated and their needs to be some parent support. There will be support from sympathetic professionals, to be sure, but

one parent is not enough. We found that out on committees, you need a bunch of parents so they can bolster each other up.

And the last suggestion I have is in the section 6, paragraph 5 on evaluation with respect to language and cultural background. Another problem handicapped kids have is that their handicaps are not considered when deciding what test to use for making the evaluation. I mean we evaluate children with language disabilities giving them tests that emphasize verbal skills tests that can't possibly measure their abilities. What we have to do is match the test to the child's disability.

If a kid is visually impaired, give him a verbal test. If he is verbally impaired, you find another kind of test and try to get some accurate measure. A lot of kids have been considered not testable because one test was relied on instead of looking. I feel a test is discriminatory to our handicapped children if it does not take into consideration what their disability is.

This bill offers us great hope for expanded services.

Senator WILLIAMS. Thank you very much, Mrs. Cutler. Shall we move right along with the other statements. Mrs. Walbridge.

STATEMENT OF MRS. RICHARD WALBRIDGE, PARENT FROM VERMONT

Mrs. WALBRIDGE. My daughter, Sue Ellen Walbridge, was born 22 years ago with Spina Bifida. This birth defect left her totally paralyzed from the waist down. She was able to walk with the aid of full-length braces and crutches. When not in braces, a wheelchair was necessary.

Between operations, Sue Ellen had continuous care from the Vermont Association for the Crippled. First, there were years of physical therapy; then schooling when she became of age. These programs enabled Sue to prepare for entrance into public school. Before entering, however, a sanction from the school board and the public health officer was needed. With V.A.C. working for us, permission was finally granted and Sue entered third grade in public school.

This was another beginning of problems, as none of the public schools were set up for wheelchairs, braces, or crutches. With the bathroom facilities totally inadequate, I had to go to school every 2 hours to help Sue. She also needed help with stairs because the railings were not strong enough, and the stairs were slippery.

The older a handicapped child gets, the more barriers there are. Teachers sometimes see the need, but really don't want to be bothered. Others think a youngster should be taught at home. Some people even think handicapped youngsters should only be taught at home if they are completely immobilized in a full body cast and no way of getting them through a door.

There was a continuous battle for educating Sue, who was now ready for junior high school. Meetings were held with the school nurses, the principal, and the guidance department. Permission was finally granted by the school board, providing I would take full responsibility for Sue's welfare while she was in school. As Sue was the first severely handicapped youngster the teachers and staff encountered, I spent more time at school, putting teachers and students at

ease with a handicapped youngster. The handicapped want to be treated and accepted into society like everyone else.

And two experiences I had with Sue Elle, when she was in junior high school give you some idea of what problems these children face. The librarian didn't want her to go into the library to study because her braces and crutches made too much noise, so she couldn't go into the library for 2 years. And another barrier we ran into in junior high school, she couldn't eat in the cafeteria because of the architectural structure of the building and she couldn't take some of the classes.

Sue was able to attend Rutland Junior High School because there was an elevator. When this school was being constructed, the architect had a difficult time convincing the school board of its necessity. They conceded only to an elevator shaft. However, as the years passed, the board found that an elevator added to the shaft was not that costly. So, the elevator was installed.

In spite of the relative newness of the school, bathroom facilities were just as inadequate as in elementary school. To add to everything, Sue couldn't eat in the school cafeteria because of difficult stairways and the design of the building. There were also some subjects that she couldn't take, due to inaccessibility.

While she was still in junior high, I discovered that the high school didn't have an elevator. So I put in a requisition to the school board for installation of one so that handicapped youngsters could avail themselves of a high school education. An elevator was installed in the high school by the time Sue was ready to enter her sophomore year.

High school studies meant books from the library. Up to now, I had always gone to the library for her books, but it was time for Sue to be able to do this herself. Another requisition slip was presented to the library board; this time for a ramp for the handicapped, which was eventually installed.

With all of the basic training behind her, Sue graduated from Rutland High School in 1970.

She now attends the University of Houston in Houston, Tex., and is in her second year there. This is one of the few colleges in the United States where bathroom facilities are adequate for the handicapped. There are ramps at all building entrances and beds and telephones are wheel chair height. There are elevators in all buildings and she can eat in the cafeteria. The one thing that needs improvement is the laundry facilities.

All of these things are necessary for the education of the handicapped. It is difficult, if not impossible, to do one without the other.

With proper programing and funds available, the handicapped would be well on their way to becoming useful citizens in this great country of ours.

Senator WILLIAMS. Thank you very much, Mrs. Walbridge. Robert Melander.

Mr. ROBERT G. MELANDER. I am glad you left me until last because due to a somewhat of a misunderstanding I am not speaking in my role as a parent. And don't look apprehensively at that pile. I am not going to read it all. Matter of fact, much of what I could say as a parent has already been said at this table and in deference to time. I would like to give a few comments in my role as the chairman of the Advisory Council on Special Education for the State of Connecticut.

This is a new addition to our special education laws. Now, there's been some talk here about Massachusetts law, and what is being done in Vermont. In Connecticut we have had an omnibus mandatory special education law in effect since 1967. I think that gives you some background to work from and I think it gives the committee maybe a field of study to work with.

Our law is not dissimilar to the provisions of S. 6. In fact, it is very markedly similar among the provisions. We had the advantage of an independent review team from the Eagleton Institute of Politics, and that is what the big package is that you have there. They came into the State about a year ago and evaluated the implementation of Connecticut's law.

Senator WILLIAMS. When was this study?

Mr. MELANDER. Last year, it was completed last year, started in 1971.

Senator WILLIAMS. So is that the Eagleton Institute from New Brunswick?

Mr. MELANDER. Yes. That's Rutgers, isn't it, that it is connected with?

Senator WILLIAMS. It's next door. It is related, but not directly.

Mr. MELANDER. It is not part of the college, but related. They done some work in the State of Connecticut before and they had a Ford Foundation grant. Both the Eagleton people and our legislative leaders agreed that the implementation of the special education law was the best area to tackle.

I will try to make this brief and skip much of what is here, but there are certain points I would like to emphasize. Some of these have been touched on before. One of them is money, obviously. But I think we found that another barrier to development of programs is the lack of definition of public education. What does it really mean?

We hear all too often, you know, this child cannot be in public school. If you are going to tell me the child shouldn't be in public school, first you have to tell me what public education means, what are its limitations, what are its capabilities. Looked at from that point of view, public education can come to grips with almost, and I say almost because there are bound to be the very, very few cases that are questionable, but it can cope with almost every child with a problem, whether it is a slight problem or the most severe.

Now, we have developed in Connecticut a mechanism for dealing with some of these more severely handicapped children. We have an organization in the Hartford area as a matter of fact, one of them is the Capitol Region Education Council. This is basically an administrative structure that provides services upon request for local school systems in the area.

A case in point is their program for severely disturbed autistic children. This is a public school system, it is under the laws of Connecticut, a local school board, so it has all the rights and responsibilities that local school system has. What it doesn't have is buildings, it doesn't have teachers, it doesn't have a built-in bureaucracy. It has flexibility, it works primarily through contractual purchase of services.

In doing this, while it is not a special education agency per se, it has tremendous capabilities in this area to handle those things that can be handled in the classroom down the block. I am certainly not

a strong advocate of separation of children, but there can be times when it is advantageous for the handicapped child to be given highly specialized services on the basis that he needs them now so he can be integrated back into the mainstream. And I think that is the name of the game.

As far as special education, much of what we call special education really shouldn't have to be if we gave each and every child the specialized and individualized education that we say we do. We fit children into programs in the public schools, I mean normal children, we don't build programs around children. Under Connecticut law we are required to prescribe programs.

Now, this is beautiful and sounds nice on paper. The problem is that after 6 years it is really not happening. There are serious deficiencies in the implementation of the law, as you will see in total in the Eagle-ton report. We are spending, we are budgeting \$26,750,000 this year for special education services in the State. This is designed to serve a population of 11,000 students.

Connecticut has somewhat over 660,000 students in public schools. By any slice of any statistics—conservatively you have to arrive at at least a 10 percent figure, rate of instances—11,000 is not 10 percent of 660,000. Where are the rest of them? Most of them are not getting services yet. So I am most supportive of your S. 6 and its concept. I think we need it. I think we need it not only for Connecticut, but the other areas that are not moving as fast.

They need to push. I think it would be unrealistic to expect that merely the legislation will correct the problem. I have been involved in the development of the law in Connecticut over the past 10, 12 years or more. In fact, I was directly involved in the drafting of the present legislation. And we think we have a good law and we know that if it is implemented, our children will be educated.

IMPORTANCE OF LOCAL SCHOOL OFFICIALS

But it is a long tough fight to get through to the school systems that because you can't do it in the new junior high you built, it just can't be done in public education. You have a tough time getting around, and I will be very acid about this one, the biggest roadblocks we have found so far are the public school administrators, the superintendents.

These are the people that do not want to be bothered with the handicapped child. They are bothered, it costs money, they cause trouble, they could very well do without them. I have seen cases, know cases personally, where records have been changed, altered, faked, to provide grounds for denying services to children.

I think these are some of the things that we at the local level have to watch. Even though the law, if there is a law at Federal level, we still have to be the watchdogs at the local, on the local scene. Just diagnosis and labeling has been mentioned here and I would just like to say amen to that and the dangers of mislabeling. They are tremendous.

Connecticut had two choices when the law was enacted. The basic law was enacted in 1965, took effect September 1, 1967. The law came about not because the professional community wanted it, in fact it was actively opposed by the State Board of Education. It came about because the parents, citizens, banded together and got strong enough and

convincing enough to convince the legislature, at least key people in the legislature.

It is odd that a number of people today have mentioned this, right to records. And the U.S. Office of Education published last November a very interesting essay and editorial on this subject, and it is also interesting to note that the State of Connecticut just passed a small bill providing statutory access to all school records, even though this is a basic right.

This is one of those things that had to be reinforced because too many school systems do not allow proper access. And after all, the parent is the manager of the child through his early and middle life. If you don't know what the evaluations are, how do you guide the child best?

There is a considerable amount more in this testimony. I think in interests of time I would rather have it read than spoken if that is satisfactory to you, Senator. I appreciate very much the opportunity to be here today.

Senator WILLIAMS. Well, we are grateful to you, Mr. Melander. All the statements, you all didn't read them, but I think our record should have all of the statements that were presented plus your own testimony. Now, we were going to come back to your counsel. I wonder whether we better break. Want to stretch for 10 minutes? Someone said 5 minutes. I will compromise and we will make it 7½.

[Brief recess.]

Senator WILLIAMS. We will be in order. Mr. Miller.

Mr. RAYMOND MILLER. Yes, Senator. First of all, I'd like to introduce Mr. Von Mayerhauser, the attorney that is handling the advocacy case. He is here just to aid me, he will not make any kind of a statement unless you have any question regarding the legality of the implications.

Senator WILLIAMS. Fine.

STATEMENT OF RAYMOND MILLER, SPENCER, MASS., PRESIDENT OF THE WORCESTER AREA ASSOCIATION FOR RETARDED CHILDREN

Mr. MILLER. My name is Raymond Miller, and I live on Thompson Pond Road in Spencer, Mass. I am currently president of the Worcester Area Association for Retarded Children. My son, Jeffrey, who will be 7 years old in July, is retarded and has been enrolled in the Comprehensive Care Center in Worcester since September 1971. Before talking on the association's allegations of deficiencies in the town of Spencer's special education program, I would like to recap as briefly as possible the personal frustration which my wife and I have felt over the last 1½ years in trying to see to it that our son is enrolled in an educational program suitable to his needs. I want to emphasize at this point that my immediate concern as a parent and as president of the association, is with the Spencer situation. However, I want to make very clear my opinion and to reflect the association's opinion that the inadequacies of the Spencer program are to be found in a great number of cities and towns in the Commonwealth. There is much need for upgrading the quality of education afforded retarded youngsters, and Spencer provides only a suitable example.

At the time we moved to Spencer in August 1971, we began inquiry into the possible schools for our son to enter. We were told he might go to the Center of Hope School in Southbridge, but we didn't want to send him to school some 26 miles from our home. We didn't inquire into the Spencer system at that point, but with the assistance of Mr. Irving Galvin, Director of Mental Health, Worcester, we were able to enroll him in the Comprehensive Care Center.

Jeffrey's trip into Worcester is a 13-mile, half-hour ride which is paid for by the town of Spencer. In hopes of placing him in a school in Spencer, my wife began making inquiries during the fall of 1971. From that time to the present, our efforts to find a place for him in Spencer have been completely frustrated. For over a year, my wife has talked with the Spencer school nurse continuously about placement in a program in Spencer which would be suitable for Jeffrey. From talking with parents who have had children in the only special education class, that class at the Lake Street School, and from seeing that school's special education classroom, ourselves, we've had deep reservations about the Lake Street School situation. I will discuss specific deficiencies later in this presentation.

When we weren't getting any sufficient answers to our questions about a Spencer program, we really began to push in October 1972. But every time, the nurse's answer was the same: "We don't have the money. We don't have another classroom."

As I will note more specifically later on, comprehensive evaluation of a retarded child by a core team of doctors and teachers is the linchpin of proper placement of the retarded child in a program most well fitted to his problems and abilities. To our repeated requests that our son be evaluated by a team of teachers and doctors for purposes of placement, we've received only vague replies. The latest response a couple of months ago was "probably in May sometime." Although we've lived in Spencer since August 1971, he has never been evaluated in the manner in which the applicable State department of education regulations direct. We're quite concerned that this evaluation be carried out for this next school year. Last week I repeated our request to the principal of the Lake Street School. Although she assured me that it would be taken care of soon, we've heard nothing since.

There has been a State department of education federally funded program in operation at Anna Maria College in Paxton, Mass., since September 1972. We understand that it's quite good. But when my wife asked the Spencer school nurse if our son could possibly enroll in that program, the nurse replied that Mr. Raymond Loughlin, Worcester area director, Department of Mental Health, and a member of the Anna Maria's Advisory Committee, had said that the law permitted only up to four children from any one town to enroll, and that as my son would be the fifth from Spencer, he would be barred. The law to which he referred was Massachusetts General Laws, chapter 71, section 46, which directs any town having five or more retarded children to provide special education classes for them in the town. Mr. Loughlin later confirmed his interpretation of the law to us directly and to the association. However, I understand that last week the association's Advisory Committee chairman, Mr. Doon, was informed by the director of the program, Mr. Forest Gilmore, Jr., through Mr. Loughlin that the law wasn't meant to apply to the program, as that

was considered a "regional school." Apparently, there's no reference to such an exemption in the original funding proposal. I would interpret this latest word from Mr. Gilmore as meaning that our son can be enrolled there after all, but we just don't know what the correct story is. This confusion over whether our son may now go to the Anna Maria program fits in with the runaround which we've gotten from the beginning. For months and months we've gotten sympathy, but never any direct answers to our questions.

For an example of the prevailing lack of sensitivity to the needs of the retarded children, I would point out that last fall a Citizen's Advisory Committee was formed in Spencer, as in other towns, at the State's direction, to set goals for the school system, assuming necessary funding. Most of the people on the committee, including the superintendent of schools, were connected with the school system. My wife attended three of the committee's meetings in November and December 1972, and January 1973. When she asked whether provisions had been made for special education, she was first told that the matter "had been taken care of" at an earlier meeting. Later it turned out that the matter which had "been taken care of" involved only a provision for a "transitional class." We understand the "transitional class" to be meant only for children who need a year of maturing before progressing from kindergarten to first grade. She pointed out to the committee that the "transitional class" had nothing to do with the retarded children. Apparently, aside from the "transitional class," no provisions had been made for the special education needs of the retarded children.

She then requested that provision be made for two special education classrooms, two teachers, aides and more equipment. Her request fell on deaf ears, for the copy of the advisory committee's final report which is attached to this statement shows no budgeted funds for the improvement of the quality of special education. Only at the very end is there reference to special education and then only to the goal of making some improvement if additional funds were available.

We have been told repeatedly that the town lacks money to improve the special education program. Yet we have been frustrated in our efforts to find out what is currently budgeted for special education. At the annual town meeting in March I asked how much money in the school budget was allocated to special education and of that, how much was designated for new programs. They told me \$87,000, but were unable to give me any breakdown of that figure. From the copy of the budget which we have, we can't figure out where they get even the \$87,000 figure. And the chairman of the school committee, Mr. Wheeler, has told me that Spencer is spending \$100,000 for special education, so we don't know which is the correct version.

I've presented as briefly as I can the frustration which my wife and I, as parents of a retarded child, have felt in attempting to secure for him the quality of special education to which he's entitled under the U.S. Constitution and the applicable State laws and regulations. I would like now to focus on the specific deficiencies in the Spencer program which have concerned us and have caused the association to lodge formal complaint with the State department of education.

WORCESTER AREA ASSOCIATION FOR RETARDED CHILDREN, INC.'S INQUIRY
INTO TOWN OF SPENCER'S SPECIAL EDUCATION PROGRAM

Background

Mr. Doon has told you a bit about the circumstances surrounding the formation of the association's advocacy committee in March of this year. Rather than recite the full history of the association's efforts to resolve problems which it says exist in Spencer's special education program, I would direct your attention to the chronology of communication to date among the association, the town of Spencer, and the State board of education attached.

I want to emphasize again that the Spencer situation should be seen only as an illustrative example of the problems with special education programs elsewhere. The town is not alleged to be singly guilty of some gross departure from the norm. The problem lies in the fact that under the existing regulations applicable to special education and, particularly, the present laxity in the enforcement of those regulations by the State department of education, the norm is most unfortunately low.

I want also to point out that this hearing is being conducted at a time when the State department of education's investigation of the association's allegations with respect to Spencer is in its beginning stages. Because of the confidential nature of critical records of retarded children involved, the association has been forced to rely almost completely on statements voluntarily given to it by concerned parents of retarded children. These statements have been supplemented by public statements of a department of mental health official. Thus, admittedly, the association's allegations with respect to various records have not yet been substantiated.

Alleged deficiencies

1. Absence of Adequate Procedure for Identification of Retarded Children. The regulations under Massachusetts General Laws, chapter 71, section 46 ("regulations"), a copy of which is attached, contain in paragraph 1 the direction that:

*** An annual town census of children served or eligible for educational services and programs under these regulations shall be taken as part of the regular Department of Education census and shall be reported under categories as follows ***

At the State department of education's regional board hearing on April 13, 1973 Mr. John Gray, of the State department of education, division of special education presented the "SPED 15" form signed by the chairman of the Spencer-East Brookfield regional school committee and purportedly timely filed with the State department of education in October 1972. The town of Spencer asserts that this form was filed in compliance with the foregoing census requirement. However, the association has received statements from several Spencer parents of retarded children to the effect that they responded to no such census in 1972. The association is prepared to prove that, regardless of the existence of the SPED 15 form, that no complete census was in fact carried out. I am in a position to provide a concrete example. The only town census to which my wife and I replied in 1972 involved only two questions: (1) "Do you have any children over the age of 19" and (2) "do you have any horses."

The association will expect the town will not be able to substantiate its claim that the census as mandated by the regulations was in fact carried out. Assuming that the association is correct on this point, the town is guilty of a cardinal omission in the handling of the educational needs of its retarded children. All of the various provisions for special education are meaningless if the town has failed in the first instance adequately to uncover the existence of children requiring special education.

2. Absence of parental involvement in the evaluation and placement process. The core of the regulations pertaining to special education is the proper evaluation of the retarded child by a team of doctors and teachers in coordination with the parents of that child. Illustrative of this is the extensive treatment given to this evaluation process in the regulations. For example, paragraph 4 states in pertinent part as follows:

4.a. No child may be placed in a special program or in a class other than regular class unless a current and sufficient evaluation has first been carried out in accordance with these regulations * * *

b. Prior to undertaking evaluation, the parents of the child shall be invited by the principal, by a letter, to come to the school or otherwise to meet with him to be informed of the need, purpose and nature of the evaluation proposed, and to solicit the cooperation of the parents in the evaluation.

c. Parent may request, for due cause, evaluation of his child; such request will be acted upon by the school superintendent or his delegate.

7. The members of the core evaluation team shall meet in conference with the Superintendent of the school system concerned or his designee, and the Superintendent or his designee of a State or private school, if such a facility is concerned, to consider the assessment findings and to prepare jointly alternative educational plans.

8. There shall then at once be a meeting between the child's parents and a designated representative of the evaluation team or by the entire assembled team, if the parents have so requested. The alternative plans shall be shared with the parents, explained to them and an appropriate educational plan elected.

9. Within ten business days after the conference required by Paragraph 7 the child's parents shall be provided with a written summary of the evaluation and conference recommendations. The summary shall be written on a SPED form which provides a returnable section for parental response and shall notify the parents of their right to seek a second evaluation as provided in Paragraph 10 below.

In addition, paragraph 10 states further specific appeal procedures available to parents who are unsatisfied with initial evaluation. The vital importance of the evaluation is highlighted by paragraph 15's directive that:

15. On the basis of the evaluation carried out as prescribed above, provision for the child's educational needs shall be made by the school or schools concerned * * *

The association has presented to the State department of education's regional board statements of several Spencer parents of retarded children to the effect that they never signed the forms as required by paragraph 9 above. The division of special education and the town of Spencer assert that all of the Spencer parents have signed such forms. I can say categorically that neither my wife nor I have signed such a form. In the event that it is ultimately proven that other parents did sign such forms, it is nevertheless clear that affected parents had no idea of the significance of the forms which they may

have signed. In other words, the association is prepared to prove in the alternative that the requirements pertaining to the content of the forms and the use of the forms were not met. There is no question that such failure constitutes a shocking disregard of basic parental right of participation in clinical decisionmaking as to the proper placement of their children.

Mr. Walter E. Duggan, State superintendent of special education, originally informed Spencer that it was in full compliance with the law and regulations. However, at the regional board hearing on April 13, 1973, he admitted that on the same day on which he gave that clean bill of health, he rejected all of the evaluation forms SPED 10(A) for lack of adequate descriptive summary of the core team's evaluations. As a result, he stated to that board that the descriptive summaries are now in compliance with the directive of the regulations. However, it is the association's position that failure to obtain parental signatures after the changes in the forms amounts to clear failure to afford them their right of rejection of the evaluations under the regulations. The association is prepared to prove that no such new signatures were ever obtained.

Furthermore, at the same regional board hearing Mr. Edward Riquier of the department of mental health brought to light other clear violations with respect to the same SPED 10(A) forms. First, he stated that among the forms that he had in his possession, was a form which had been signed by the physician only 3 months after the child had been placed in the program at Anna Maria College. Second, he stated that of the 20 SPED 10(A)'s which he had from the general Worcester suburban area, 15 were in fact unsigned by parents. He stated that he had none of the SPED 10(A) forms for the children in the Lake Street School in Spencer and only three or four forms for the Spencer children enrolled in the Anna Maria program. Aside from the lack of parental signatures, the failure of the town to forward forms to the department of mental health as directed is a further violation of the regulations.

Finally, one parent who has admitted to the association that she signed such a form has stated that: (1) She was asked to sign it only 2 months after her child had been placed in the program at Anna Maria, and (2) the form contained no summary of the evaluation whatsoever, but only the words "Anna Maria College program" at its top.

As stated, the extensive provisions for parental involvement in the evaluation process are vital to the proper placement of the child in a special education program most suitable to his particular needs. The failure of the town of Spencer and of the division of special education to adhere rigidly to those provisions is deplorable.

(3) Violation of Maximum Age Spread Permitted Under Regulations.—Paragraph 22 of the regulations states as follows:

22. There shall be no greater than a 3-year age differential between children in a group covered by these regulations, unless an exception is recommended by the evaluation team or is made by the school for a special, beneficial purpose.

The age spread in the special education classroom at the Lake Street School in Spencer ranges from 6 to 12. Two of the State Department's Division of Special Education supervisors, Mr. Walter Duggan and

Mr. John Gray, have interpreted the foregoing age span provision as prohibiting an age span in excess of the maximum differential only at any given time. In other words, they have asserted that the following hypothetical meets the requirement:

* * * Children ages 6 and 9 who are integrated into regular classrooms 75 percent of the time may be placed in the same special education classroom with children ages 10, 11, and 12 who are integrated only 25 percent of the time * * *.

It is the association's position that the foregoing age span provision should relate in no way to the concept of integration of the children to regular classroom activity outside the special education classroom. Integration should be based solely on evaluation of individual children. Admittedly, it is conceivable that the integration plans which are the legitimate result of individual evaluations may be such, in a given group, that at no one time is the maximum being violated in the special education classroom. However, the association submits that the only way to remove the danger of the integration plans being determined even in part by the desire to comply with the age span maximum, is to establish wholly separate classrooms for each 3-year group.

The town of Spencer's response is that lack of funds and space preclude the establishment of a second special education classroom for this purpose. When the regulations are being violated in this way, however, this excuse should be no defense. The throwing together of retarded children as young as age 6 with children of age 12, for example, is simply inexcusable. There must be some way to provide adequate funding and space to meet this requirement.

(4) Inadequate Facilities and Staff.—Paragraph 18 of the regulations states as follows:

18. The rooms, buildings, play and other areas in which educational services are provided under these regulations shall not be segregated from and shall be at least equal to the average amenities available in regular school classes in the town. This shall apply to such factors as access, lighting, heating, sanitary, ventilation, and recreational features.

At the same regional board meeting, Mr. Walter Duggan stated that the special education classroom at the Lake Street school "certainly is adequate," "is of average size," and "is approximately the same size as the other classrooms in the building." I have personally measured the special education classroom referred to, along with several other classrooms in that school. I direct your attention to the diagram of comparative size which is attached to this statement. It is clear from examination of that diagram that the space provided for the special education class is grossly inadequate when compared against the other rooms of the school. Because of the configuration of the room and of the 12 desks (including the teacher's desk), the 8 retarded children who spend a substantial amount of time in that classroom have no room whatsoever in which to move around. There is no question but that this room is not "at least equal to" the classrooms for other children. The State Department of Education's defense of this facility makes a mockery of the regulatory command. In affording the town of Spencer an excuse to perpetuate this inferior condition, it serves only to impede efforts to improve the caliber of special education. Without adequate space in which to operate, even the most capable and adequate staff is hamstrung in its efforts to pro-

vide the flexible classroom atmosphere which is indispensable to the attainment of that goal.

Paragraph 21 of the regulations states in pertinent part as follows:

(21) The number of children participating in or assigned to any substantially separate educational program as in paragraph 16 above shall be in accordance with the behavioral qualities and the instructional and social needs of the children in relation to the time, skill, and assistance available to the teacher concerned * * *. In any substantial separate room, class, or program as permitted under paragraph 16, the ratio between teacher and children shall not exceed 1 : 8. Should a teacher-aide join a teacher, the ratio shall not exceed 2 : 12.

At present, there is only one full-time special education teacher at the Lake Street school. She is certified, and from all reports is exceptionally warm and loving toward the children in her classroom. However, from all reports also, she is clearly overburdened with the eight retarded children in that room. The town of Spencer asserts she has a full-time aide.

Investigation reveals that the aide is full time only in theory, having an office elsewhere in the building and only assisting in the special education classroom "when she can"—which is apparently most infrequent. The town is correct in its assertion that it currently complies with the student/teacher ratio mandated by the above paragraph. However, it is clear, adherence to the present requirement notwithstanding, that a full-time aide is in fact desperately needed. Again, the town pleads lack of funds. Again, when the needs of retarded children are not being met when, at the same time, additional aides are being considered and are being hired for other classrooms in the system, this plea is no defense. There must be more funds forthcoming for this most important purpose.

CONCLUSION

I have attempted today to present an overview of the inadequacies which the Worcester Area Association for Retarded Children alleges to exist in one town's special education program for retarded children. As I have stated before, I firmly believe—and the advisory committee of the association believes—that the Spencer situation is not an isolated departure from acceptable quality of special education program. Rather, we have every reason to believe that the problems which we feel plague Spencer also plague many other cities and towns.

In part, the Spencer school administration is to be faulted for the present alleged inadequacies. Through past insensitivity to needs of retarded children and through misplaced funding priorities, that administration has given short shrift to basic educational rights of its retarded children. However, I should be careful to stress the point that this insensitivity has been only facilitated in the past by inadequate State laws and regulations pertaining to special education and further, by inadequate Department of Education enforcement of those laws and regulations.

We can only be thankful for the strengthening of the statute promised by the new chapter 766 which will become effective in September 1974. But the effectiveness of even the improved legislation will still be directly related to the effectiveness of enforcement of that law in the field. Unless somehow, from some source, the cities and towns will be able to provide more sufficient funds for special education than they presently claim they can, there is significant danger that the enforcement of the new law will be no more effective than it has been in the past. If the money simply does not appear to be there, the danger exists that the State Department's Division of Special Education, however sincere its motives, will continue to be overly sympathetic to the city's and town's pleas of inadequate funds and insufficiently rigorous in its enforcement of the new statute. All the while the basic rights of this State's retarded children to an equal educational opportunity will continue to be sacrificed.

On the other hand there would be cause for hope if the educational needs of retarded children are recognized in comprehensive Federal legislation which is designed to alleviate the admittedly severe financial pressures on States and municipalities. It is in this subcommittee's inquiry into the needs of the handicapped in this country which gives us this cause for hope.

On behalf of the Worcester Association for Retarded Children and, indeed, on behalf of the parents of retarded children in the Greater Worcester area generally, I wish to thank this subcommittee for allowing me the opportunity to contribute to its inquiry.

[Information subsequently supplied for the record follows:]

WORCESTER AREA ASSOCIATION FOR PETARDED CHILDREN, INC.
INQUIRY INTO SPENCER SPECIAL EDUCATION PROGRAM

SUMMARY OF ACTIVITY TO DATE

- 10/24/72 --- Association's invitation to Mr. O'Connor to attend meeting on 11/6/72 to discuss situation.
- 11/6/72 --- Meeting at home of Mr. and Mrs. Raymond Miller among Association's Education Committee, Mr. O'Connor and invited Spencer parents of retarded children. Mr. O'Connor request for time to study laws, budget, and to discuss allegations of deficiencies with pupil personnel team; Mr. O'Connor indication that he would report back to the Association by 12/10/72.
- 11/10/72 --- Letter from Walter E. Duggan of State Department of Education to Mr. O'Connor stating that Spencer was in full compliance with present and future law and regulations covering special education. No notification from either O'Connor or State Department of Education to Association.
- 12/18/72 --- Association letter to Mr. O'Connor requesting report on progress of the pupil personnel team investigation of Spencer Special Education Program.
- 12/26/72 --- O'Connor letter to Association stating that Spencer was in compliance with the latest laws and attaching Duggan's 11/10/72 letter (above) in support. No report of review by pupil personnel team.
- 2/2/73 --- Duggan conference with John Deon and Robert Lombardi of Association in which Duggan stated that Spencer was applying for Title VI grant to fund improved Special Education Program. Duggan assurance that O'Connor had told him that Spencer was prepared to fund the program itself in the event the Title VI money was not to be forthcoming.
- 2/6/73 --- Association letter to Mr. O'Connor requesting copy of Title VI program to be submitted to which Duggan had referred. No O'Connor response.
- 3/15/73 --- Association letter to Mr. O'Connor requesting submission to it of a copy of the above program by 4/15/73 and threatening legal action if not submitted.

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- 3/19/73 --- Association letter to State Department of Education generally alleging deficiencies in Spencer Special Education Program, referring to lack of cooperation of Spencer and the requesting assistance in resolution of the problem.
- 3/23/73 --- O'Connor letter to Association including two outline sheets from Title VI proposal to be submitted, but lacking reference to Spencer's funding such proposed program on its own.
- 4/2/73 --- Association letter to O'Connor again requesting submission of program and, further, that he take all necessary steps to insure Spencer's funding the program for the school year beginning 9/1973.
- 4/2/73 --- Chairman of Spencer School Committee, Kenneth Wheeler, apparently learns for first time of Association inquiry into Spencer Special Education Program.
- 4/3/73 --- Mr. Wheeler's effort to arrange meeting among himself, Mr. O'Connor, and Association representatives to discuss problem halted by Spencer Town Counsel after consultation with Mr. O'Connor.
- 4/4/73 --- O'Connor letter to Association restating that Spencer is in compliance with the laws, again attaching Duggan 11/10/72 letter to that effect and stating that he (O'Connor) was therefore unable to take any steps preparatory to appropriation of funds for the above program.
- 4/13/73 --- State Department of Education Regional Board meeting attended by Association representatives, O'Connor, and Sally Brown, for purpose of Association's presentation of specific allegations.
- 4/17/73 --- Raymond and Nancy Miller appearance before meeting of Spencer School Committee for purposes of informing Committee of Association's futile efforts to resolve the problems of special education program with the school superintendent and of urging the Committee's adoption of specific proposals to upgrade the quality of the town's special education program. No School Committee action taken.
- Post --- Continued Association investigation of various problems in preparation for submission of written allegations to State Department of Education and to school superintendent.

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Regulations Jointly issued by Department of
Mental Health and Department of Education
Pertaining to Education of Certain Children
in Accordance with the General Laws, Chapter
71, Section 46.

The following regulations supersede those last issued, dated Jan-
uary 1955.

1. An annual town census of children served or eligible for educational services and programs under these regulations shall be taken as part of the regular Department of Education census and shall be reported under categories as follows:

- a. Fully Integrated Program: children under educational management spending the normal school day in regular classes and activities with less than 25% time out for special services.

- b. Partially Integrated Program: children under educational management spending more than half of the normal school day in classes and activities, requiring more than 25% but less than 50% time out for special services.

- c. Partially Integrated Program: children under educational management spending some but less than half of the normal school day in classes and activities, or in a "half-day" program as in Paragraph 14 below.

Children of school age eligible for educational services under these regulations who are not in school.

- d. Children eligible for educational services under these regulations but attending school at a Department of Mental Health Youth Services Board, Department of Public Health, or other public or private specialized educational facility.

2. The Department of Mental Health shall report annually to the Superintendent of Schools of each town and to the Department of Education the names and addresses of children of the town attending Department of Mental Health classes, programs or institutional facilities. The Department of Mental Health shall similarly report the age and identity of children of the town determined by multidisciplinary evaluation at Department of Mental Health facility to be retarded or otherwise educationally disadvantaged.

3. No child shall be considered for admission to any school attending

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4. a. No child may be placed in a special program or in a class other than regular class unless a current and sufficient evaluation has first been carried out in accordance with these regulations, whereby through certified individual assessments followed by a joint conference of the examiners a determination is made that there is developmental delay or deviation materially and substantially preventing the child from benefiting from regular class placement, and that an alternative, modified program is desirable.
- b. Prior to undertaking evaluation, the parents* of the child shall be invited by the principal, by a letter, to come to the school or otherwise to meet with him to be informed of the need, purpose and nature of the evaluation proposed, and to solicit the cooperation of the parents in the evaluation.
- c. Parent may request, for due cause, evaluation of his child; such request will be acted upon by the school superintendent or his delegate.
5. The evaluation shall consist of the following core components:
 - a. an assessment of the child's current educational status by an authorized representative of the local school department concerned, certified as a special education teacher or a person otherwise approved by the Department of Education. Assessment shall include current school achievement or readiness, as appropriate, and teacher's report of observed adjustment and capabilities, noting such factors as attention span, coordination, activity level, expressive and receptive language capacities.
 - b. an assessment by a physician certified under standards of the Department of Public Health, under regulations of the School Health Law, Chapter 71, Section 57.
 - c. an assessment by a psychologist meeting qualifications and conditions set in Paragraph 32 or granted waiver by the interdepartmental panel established in Paragraph 29 of these regulations. Psychological assessment shall include an individual examination of the child covering mental, personality, social and cultural factors, and other factors pertinent to the child's learning capacity. This assessment shall cover the child's potentials for functioning in a regular classroom and the probable advantages and disadvantages of alternative recommendations.
 - d. an assessment of pertinent family history and home situation, and, with prior parental consent, a home visit by a school, visiting or public health nurse, a guidance or adjustment counsellor or an MCH social worker. In the case of a school nurse, she shall meet certification standards to be set by the Massachusetts Department of Public Health. This assessment shall include estimates of adaptive

*The purpose of the evaluation, the home parents is defined as the mother, or father, or both, or guardian, or person having legal custody.

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behavior at home, in the neighborhood and in local peer groups.

- e. to the core evaluation as detailed above shall be added such studies in further professional or technical specialty area or into such further depth or detail as the examiners may judge necessary in regard to neurological, language, speech and hearing, psychiatric, learning problem or other possibly significant disorder. Findings of such additional studies shall be incorporated into the conference report.
6. The minimal content areas of each professional assessment and of the joint conference shall be as specified by and be reported on forms jointly developed and to be provided by the Department of Special Education, Department of Public Health and Department of Mental Health. Completion of such forms is for the purpose of insuring collection of adequate individual data and of comparative data for administrative research purposes. In no case shall the content or categorical entries on forms replace the professional conclusions of examiners or the program recommendations of the joint conference.
7. The members of the core evaluation team shall meet in conference with the Superintendent of the school system concerned or his designee, and the Superintendent or his designee of a State or private school, if such a facility is concerned, to consider the assessment findings and to prepare joint alternative educational plans.
8. There shall then at once be a meeting between the child's parents and a designated representative of the evaluating team or by the entire assessing team, if the parents have so requested. The alternative plans shall be shared with the parents, explained to them and an appropriate educational plan elected.
9. Within ten business days after the conference required by Paragraph 7 the child's parents shall be provided with a written summary of the evaluation and conference recommendations. The summary shall be written on a SMO form which provides a returnable section for parental response and shall notify the parents of their right to seek a second evaluation as provided in Paragraph 10 below.
10. Parents shall have the right within thirty days of receipt of the summary prescribed in Paragraph 9 to seek a second opinion through review or comparable evaluation by Department of Mental Health facilities, to be made within 30 days of parental request. Second evaluation may also be made by a private facility approved by the Department of Mental Health and Department of Education. Should findings of a second evaluation differ substantially from earlier results and original evaluation team not see fit to modify its recommendations appropriately, within thirty working days of the school's request a final determination of the child's educational program will be made by a board composed of regional Department of Education, Department of Mental Health and Department of Public Health administrators as provided by Paragraph 28 below. The child's educational program when under such consideration, shall remain unchanged pending the final determination of the board. The board shall not make the final determination until giving parents opportunity to be heard.

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11. The evaluation required by Paragraph 5 above shall be repeated at intervals not to exceed two years until school-leaving age or until evidence of satisfactory functioning in regular class is received by the evaluation team and forwarded to the Department of Education. In respect to the family element in re-evaluations, simple updating and review may replace the process prescribed in Paragraph 5, d., above.
12. In the time intervening between evaluations the evaluation team shall appoint or designate one of its members to serve as coordinator of services for the child, to arrange such assistance and consultative services to the school and to the child's teacher as may appear necessary to the child's welfare and to his progress toward a highest possible educational placement.
13. Each school department or district is encouraged to assemble a local evaluation team. If a school department or district does not have itself a sufficient staff to meet requirements of these regulations, local private resources and Department of Mental Health area and regional facilities shall be utilized for partial or full evaluation services. Private agencies may supply some or all evaluation requirements, if approved by joint Department of Education/Department of Mental Health action. In no case shall School Health functions be carried out by any other party or otherwise contravene Chapter 71, Section 57.
14. An evaluation report, including examination data, conference findings and final recommendations shall be sent to the Superintendent of Schools of the town concerned, or to his delegate, as the effective basis for his arrangement of an educational plan for the child. Copies are to be forwarded to the Department of Education and to the Department of Mental Health for review, for possible further recommendation, and for exception or approval by these departments. The educational plan adopted by the school will be reported by the Superintendent of Schools, to the Department of Education and to the Department of Mental Health.
15. On the basis of the evaluation carried out as prescribed above, provision for the child's educational needs shall be made by the school or schools concerned. To the degree possible the child shall be accommodated within the regular class system, with additional provision of such special and/or supportive services as may be required.
16. No child may be placed or accommodated in an area or in a manner substantially separate from regular educational programs of the school unless the evaluation report recommends it as necessary to meet the child's educational needs. In the event that such a substantially separate educational provision is recommended, the school shall arrange an educational plan that maintains substantial integration of the child within regular educational programs and normal activities of the school day. The goal and principal of minimum degree, kind and duration of separation from children in regular classes, and of maximum integration into a normalised educational exposure and experience, will be a priority consideration in all provisions made for the child.
17. The daily provision of educational services to children based upon labels is contrary to the purposes of these regulations. Therefore, the evaluation of the child, the determination of his educational needs, the recommendation of an appropriate program and the daily operating structure,

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content and climate of services provided shall avoid the labelling of the child as "educable", "trainable" or "custodial". Solely for the administrative purpose of determining reimbursement eligibility under G.L., Chapter 71, Section 1B, the school may classify the number of children retarded in mental development as follows:

- a. Custodial shall mean retardation in development determined by evaluation to require residential or day care, for a major part of educational needs, whether temporarily or for long term, in an institutional facility or program, public or private.
- b. Trainable shall mean retardation in development determined by evaluation to include, at least temporarily, severe delay in readiness or capacity to learn academically, inability to benefit in a structured group setting of more than eight children, or delay in attaining physical and social independence and behavioral reliability appropriate to age norms.
- c. Educable shall mean retardation in development determined by evaluation less severe than Custodial or Trainable as in (a) or (b), and comprising the majority of children for whom educational services are to be provided under these regulations.

The terms Custodial, Trainable and Educable shall appear only in fiscal records.

16. The rooms, buildings, play and other areas in which educational services are provided under these regulations shall not be segregated from and shall be at least equal to the average facilities available in regular school classes in the town. This shall apply to such factors as access, lighting, heating, sanitary, ventilation, and recreational features.
17. The equipment and materials used in educational services under these regulations shall meet the highest standards of modern education for the child with special needs, and shall be supplied in amounts meeting the approval of the Department of Education.
18. Certification of teachers and teacher aides working under these regulations shall be under standards set by the Department of Education, weighted in the direction of the appropriateness to the age group and type of educational service or program to be taught.
19. The number of children participating in or assigned to any substantially separate educational program as in Paragraph 16 above shall be in accordance with the behavioral qualities and the instructional and social needs of the children in relation to the time, skill and assistance available to the teacher concerned. In any substantially separate room, class or program as permitted under Paragraph 16, the ratio between teacher and children shall not exceed 1:8. Should a teacher-aide join a teacher the ratio shall not exceed 2:12.
20. There shall be no greater than a 3 year age differential between children in a group covered by these regulations, unless an exception is recommended by the evaluation team or is made by the school for a special, beneficial purpose.

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23. Programs under these regulations shall be for the normal school day of regular class children, except upon specific recommendation for a shorter day, made by the evaluation team.
24. An appropriate, complete and current cumulative record shall be maintained for each child in an educational program or service under these regulations, by the school concerned. Such records shall have the same status as the records of school children in regular classes, and shall be maintained in a centrally located and secure manner under the safekeeping of the Superintendent or his delegate. The location of such records and the procedure for access to them shall be made known to and be approved by the Department of Education and Department of Mental Health.
25. Written reports of school progress of children served by these regulations shall be made to parents quarterly. Such reports and evaluation records shall become a part of the child's cumulative record. Parents shall have the right to individual conference with the teacher at least quarterly, for discussion of the reports.
26. All communications with the parents shall be in the language of the home, and shall insure full parental comprehension of and intelligent participation in the matters under discussion.
27. The following items may be considered in determining reimbursable educational services, under these regulations:
 - a. Salaries of teachers and ancillary personnel proportionate to the share of time given to educational services under these regulations, exclusive of differential paid under the provisions of Chapter 703 of the Acts of 1956.
 - b. Salary of a supervisor of educational services under these regulations, if one is employed.
 - c. Proportionate share of salaries of other educational supervisors, such as in art, music, physical education, audiovisual education, based on actual services rendered to children covered by these regulations, following formal report of such services.
 - d. Proportion of cost, based upon share of actual services given under these regulations, of evaluation, consultative and mediative personnel as in Paragraph 5.
 - e. Transportation, under the provision of G.L., C. 69, S. 29B, or G.L., C. 71, S. 14B.
 - f. Books, supplies and equipment consumable in use.
28. A board of Department of Education, Department of Mental Health and Department of Public Health administrators shall be designated by the respective Commissioners, immediately upon promulgation of these regulations, to serve in each Department of Education region of the state. The boards shall be organized to function continuously in coordination:

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- a. to assist each school system of the region to implement these regulations;
 - b. to study and rule upon program questions submitted to it under provisions of Paragraph 10;
 - c. to bring to the services and objectives of these regulations all available state, federal and private funds and resources;
 - d. to suggest constructive repair, relief or other response to deficits or inadequacies observed in the application of these regulations;
 - e. to collect appropriate and sufficient data toward a statewide review as in Paragraph 26.
29. A review of these regulations will be conducted every third year from the date of their initial effect. The review shall be conducted by the Department of Education, Department of Public Health and Department of Mental Health jointly, by a panel of commissioner-delegated representatives. Responsible representatives of appropriate and duly constituted citizen and professional organizations shall be invited to participate. A report of each such review, including specific recommendations for revision of these regulations, shall be submitted to the commissioners of the three state departments named above, and shall be published for general distribution, no later than the end of the year following the triennial review. The panel shall be constituted immediately upon the promulgation of these regulations, to assume the functions set forth in Paragraph 31 and to assist the activities of the regional boards created by Paragraph 28.
30. The panel of representatives of the Departments of Education, Public Health and Mental Health, and of citizen and professional groups, as set into being in Paragraph 29 above, shall meet bi-monthly to receive and to consider data from the regions, especially such data as may require urgent attention or enforcement action, and to make appropriate recommendations to the commissioners.
31. All children attending or assigned to segregated classes for mentally retarded children shall be reassigned to regular classes on or before March 1, 1972, unless assessment pursuant to these regulations has resulted in provision of an alternative educational program. Any school committee unable to assess or reassess by March 1, 1972, may apply before that date to the State Board of Education for an extension of this time limit. Before granting such extension the Board shall request recommendations from the panel established by Paragraph 29, above. An extension shall not be granted unless the application contains a detailed plan acceptable to the Board, indicating the manner in which the school committee intends to comply with these regulations prior to September 1, 1972.
32. Psychologists functioning under these regulations shall meet the qualifications and function under the conditions of one of the following designations:

- a. Psychological Assistant: Personnel of this designation shall hold a bachelor's degree in Psychology, Education or Child Development and show evidence of

1. 12 hours of academic credit in such theoretical areas as growth and development of the normal and the exceptional child, psychology of learning, personality development, behavior modification, the elementary curriculum, or methods of instruction;
2. 9 hours of academic credit in such practical areas as individual testing or assessment, group tests and measurements, administration of standardized intelligence tests. Evidence of at least one practicum course in administration of the Binet and/or children's Wechsler scales is required.

Psychological Assistants may serve in securing basic data and carrying out standard technical psychological services, under direct responsibility to and supervision by a psychologist of higher qualification (b. or c., below).

- b. Psychologist: Personnel of this designation shall hold minimally a master's degree in school, educational or clinical psychology or in child development, and meet the following qualifications:

1. evidence of at least one semester, half time, in a supervised practicum or internship in school psychology in a K-12 school system or in a recognized public or private facility providing evaluation, treatment or education, and consultative services in relation to school readiness, learning and adjustment problems. Two years of service under the designation of Psychological Assistant, sub paragraph a., above, shall be an adequate substitution of this requirement;
2. evidence of completion of educational preparations for Psychological Assistant, plus 18 hours graduate credit in relevant theoretical courses and 12 hours graduate credit in relevant assessment, counselling, therapeutic or remedial techniques.

Psychological personnel under this designation may serve independently or, if available, under the supervision of a psychologist of higher qualification (c., below), in making comprehensive or special function assessments, in consultative assistance to teachers, in all psychological aspects of management and in supervision of Psychological Assistants.

- c. Supervising Psychologist: Personnel of this designation shall hold a doctoral degree in school, educational or clinical psychology or in child development, or three years of service as a Psychologist (b., above), plus the following:

1. evidence of at least one semester, full time, in clinical

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practicum, internship or equivalent supervised experience in school psychology in a K-12 school system or recognized public or private facility providing evaluation, treatment or education and consultative services in relation to school readiness, learning and adjustment problems. One year of service as Psychologist (b., above) shall satisfy this requirement.

2. evidence of completion of the educational preparations for Psychological Assistant and Psychologist (a. and b., above) toward an aggregate of 60 hours of graduate, school-relevant academic credit.

Psychological personnel under this designation shall supervise and coordinate the activities of Assistant Psychologist and Psychologist personnel, and in their absence or in difficult or complex cases carry out direct individual assessment and related psychological services.

33. The Board of Education may upon petition of a school committee waive the provisions of these regulations as to any particular district and for such time as may to the Board seem reasonable to avoid undue hardship to such district. However, no such petition shall be accepted before September 1, 1972, except in accordance with the procedures set forth in Paragraph 31 of these regulations. After September 1, 1972, requests for waivers shall be directed to the panel created by Paragraph 29 of these regulations. Said panel shall evaluate such requests and report their conclusions to the Board of Education. Such waivers will be granted only upon a showing of unusual hardship, the submission of an acceptable detailed plan for compliance, and after the panel has invited communication from all interested parties.

Reference to Chapter 71, Section 46, is suggested for possibly relevant considerations.

SPED 10-A

THE COMMONWEALTH OF MASSACHUSETTS
Department of Education - Department of Mental Health

Results of Conference required under Paragraphs 7, 8, and 9
of Regulations pursuant to Chapter 71, Section 46
of the General Laws

Name
Address
Grade

Date of Birth

A. Educational Plan

(use reverse side if necessary)

_____ Signature of Physician	_____ Signature of Special Educator
_____ Signature of Psychologist	_____ Signature of Home Visitor
Date of Conference with Parent _____	_____ Name of Conference Chairman
Address _____	

RETURN THIS SECTION

B. Response of Parent

Please Check (one):

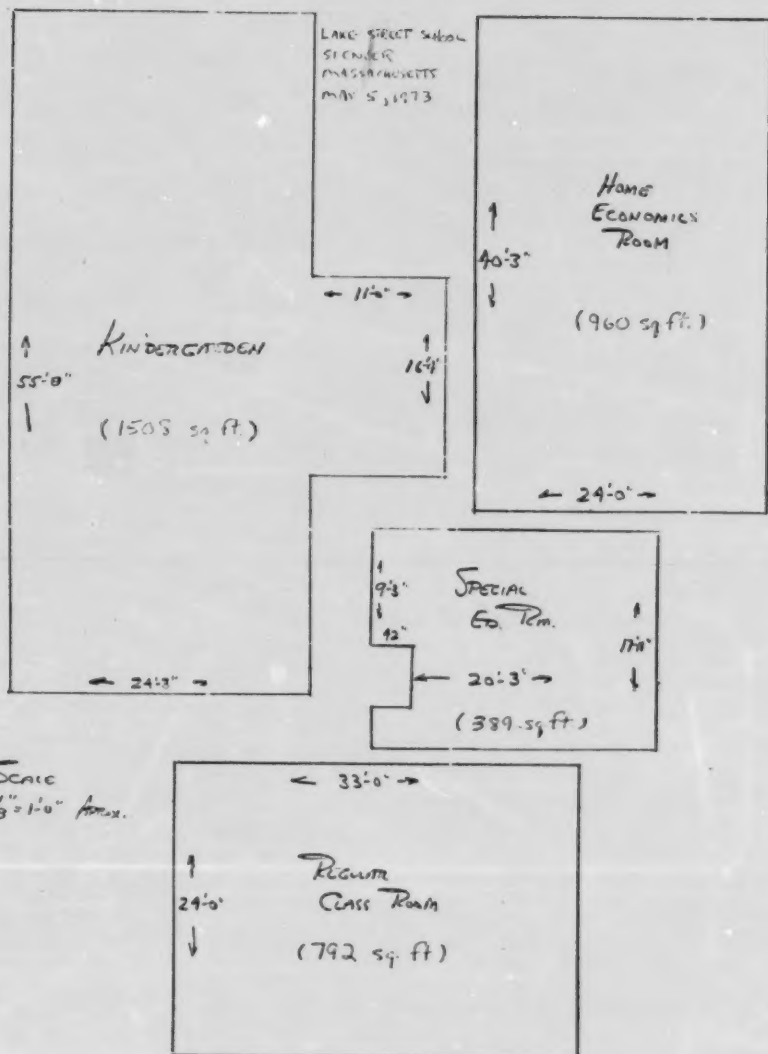
1. I accept the educational plan outlined above _____
2. I do not accept the educational plan outlined above _____

Comments:

I understand that I may seek a second opinion or comparable evaluation as
provided in Paragraph 10 of the Regulations.

Signature of Parent or Guardian _____ Date _____

Please return to Conference Chairman at above address.



Senator WILLIAMS. We thank you Mr. Miller. Your experience, I guess, is unfortunately too typical of the problems people have throughout the country, and that is one of the reasons why we hope this is part of a better answer. We were talking during our brief break about the necessity of parents particularly to be persistent and this is what has made the difference, I believe, within the last very few years, really.

Mr. DOON. Actually within the association we have established two committees, one on education and one on what is called the parent needs committee to handle any other problems with institutions, persons, or services. And we now have legal counsel if there is found cause to take legal action to get protection for the retarded as far as the laws are concerned, see that the laws are lived up to, see that institutions, persons, or services are not violated as laws.

Senator WILLIAMS. Excellent. Anything else? Thank you very much. Now, our next panel of witnesses are individuals representing Governors of Massachusetts, Vermont, and Maine, and some of the other New England States or other State offices.

David Liederman from Governor Sargent's administration, director of the Massachusetts Office of Children; Jean Gar in from Vermont, Director of Special Education; Dr. Joseph Rice, Massachusetts Associate Commissioner for Special Education; Dr. Lewis Klebanoff, Assistant Commissioner, Massachusetts Department of Mental Health.

All right, who will be speaking first?

STATEMENT OF DAVID LIEDERMAN, DIRECTOR OF MASSACHUSETTS OFFICE OF CHILDREN

Mr. LIEDERMAN. I will make a brief statement on behalf of the Governor. I appear here on behalf of Governor Sargent and myself. First, my appreciation to you, Senator Williams, for coming to Massachusetts and on behalf of the Governor for coming here and soliciting testimony from people who are struggling with the problem here in Massachusetts, as you are nationally, to try to come up with some answers for handicapped children, answers that really are badly needed.

I have a written statement which is there, but I won't read it, I will just talk a little bit.

Senator WILLIAMS. Fine. That will be part of our record.

Mr. LIEDERMAN. Last year the Governor and the legislature passed two significant pieces of legislation. One was a bill creating the first statutory office for children, which I head, in an attempt to coordinate children's services, advocate for children's services, and regulate children's services.

Part of our effort has been the development of Councils for Children across the State, which is an effort to bring together parents and young people, provide services, and to try to provide input in the development of policies that will run children's services here in Massachusetts.

I think in almost every instance the message that comes through loud and clear from the people who participate in these councils is we need more services for children with special needs, for physically handicapped children, for emotionally disturbed children, children

with learning disabilities, that we have just really begun to scratch the surface in many instances in the provision of programs, particularly alternative programs, institutional programs which has been the traditional way of dealing with many children who have special needs because there were no alternatives.

The second significant piece of legislation that was passed last year, and I think someone alluded to it earlier, was a bill called the Bartley-Daly bill, and I think Representative Daly was here or was scheduled to be here this morning. Did he appear?

Senator WILLIAMS. No; I understand he is ill and the Speaker was represented by, very ably, Margaret (Peggy) Maxwell. It was very, very helpful and we got a good review of that bill.

Mr. LIEDERMAN. Good. Well, it is interesting because the Bartley-Daly bill is really a model piece of legislation for a State and I think your attempt is a counterpart at the Federal level to provide a model for children with special needs at the Federal level. I think it is the kind of combination we need to have for a comprehensive effort at both levels.

Senator WILLIAMS. I have a feeling that the Massachusetts law and our bill had common input, at least in part. They are very similar, as a matter of fact.

Mr. LIEDERMAN. That's great. With me from Massachusetts is Dr. Joseph Rice, who runs the programs in special education and I think he will talk more specifically about that bill and its implications for Massachusetts. Also, Dr. Klebanoff is here, who runs the Division of Retardation in the Department of Mental Health, and he can talk to those issues.

But from where I sit and from where the Governor sits, I think that we know very clearly that one of the things that Bartley-Daly means to Massachusetts is major expenditures of funds and the necessity to produce those moneys if we are going to implement the philosophical intent of that bill to provide educational opportunities to all children who need and who have a right to educational opportunities at the local level.

And if we are going to implement the sense of that bill, then we are going to have to produce some dollars and some resources and isn't clear at the moment where they are going to come from. Under the kind of legislation that you are proposing at the national level, our figures estimate \$37 million for Massachusetts, that's the kind of level of funding where you begin to talk about really getting at the needs.

And I have great admiration for your efforts to try to make that happen. I think I just want to say a couple of things. One, there are some parents here and teachers from programs for the handicapped, physically handicapped. We have a situation now in Massachusetts where we are providing clinical nursery level programs for handicapped kids to the tune of about 10 percent of the need.

We estimate that we have about 1,000 children who need preschool programs for physically handicapped and we are presently serving 100 children in three separate programs. Interestingly enough, these three programs are in jeopardy because of uncertainty at the Federal level because a big piece of the money that supports at least two of those three programs comes from title I of the Elementary and Sec-

ondary Education Act, the 89-313 program; and at this point we don't know what we are getting in that 89-313 program.

We are hopeful we will. We hope there will be a continuing resolution on that. But these three programs which serve only 10 percent of the children who need this kind of a service. I think we could avoid that kind of uncertainty, you know, for a long time if we had the kind of legislation and the kind of appropriation that your legislation commands.

Senator WILLIAMS. Are you still uncertain about 1973?

Mr. LIEDERMAN. Well, we are hearing some numbers and we have done some checking even as late as this morning, and I was a little more optimistic this morning about some numbers that I heard. But I will believe it when I see it.

Senator WILLIAMS. Well, that's incredible, isn't it? The uncertainty. This is May 7 and the school year is out in 2 months.

Mr. LIEDERMAN. Well, we carry these programs right through the summer.

Senator WILLIAMS. Then you are into another fiscal year, then you have got problems. But I understand for 1973 you are all right.

Mr. LIEDERMAN. Yes, if we get some 1973 money, we can even use some of it in 1974 which would help us. These programs are year round because handicapped kids don't go away during the summer.

Senator WILLIAMS. They are running the Department of Health, Education and Welfare just like some people run railroads. Neither of them seem to be working very well. Very bad.

Mr. LIEDERMAN. It's true. And what it forces us—

Senator WILLIAMS. We can't pin the responsibility to Massachusetts, either.

Mr. LIEDERMAN. I think they have a right to pin it on us because if the Feds don't come up with it, then we are going to have to come up with it. And there's just no two ways about that.

The uncertainty for the parents and for the people who are trying to run these programs is unreal and completely unnecessary. I don't think that we have that kind of uncertainty in a lot of the defense business that goes on, although I am sure there is some. But I think that GE is going to be around next year and a few of those other giants like ITT are going to be around. Lockheed will be around thanks to some subsidies. But in the social programs, you don't even know whether you are going to be working come July 1.

I know that you are with us so I don't have to beat you over the head. We hope that you will continue your good work and we stand ready to do whatever you want us to do to help get that thing through.

Senator WILLIAMS. Well, you will be encouraged that this legislation seems to be really on the right track. Now, I mentioned earlier a week from today we will be in South Carolina, where we get strong support. I mention that to just suggest that it is a national need that we are addressing ourselves to with a broad national response. So I think in the legislative process we are in good shape.

Mr. LIEDERMAN. Thank you very much.

Senator WILLIAMS. Thank you, Dr. Rice.

**STATEMENT OF DR. JOSEPH P. RICE, ASSOCIATE COMMISSIONER
FOR SPECIAL EDUCATION FOR THE COMMONWEALTH OF
MASSACHUSETTS**

Dr. RICE. This bill, reflective of most recent court decisions concerning the education of the handicapped, affirms a free public school education appropriate to need to be a right of all handicapped children. It parallels chapter 766 of the acts of 1972 of the General Court of the Commonwealth of Massachusetts in many respects: the requirement that all children in need of services be located and the agencies responsible for their schooling be clearly defined; the mandate that an individualized written educational plan be developed for each handicapped child, and that due process procedures protect the parent or guardian in any determination of an educational placement; in its extension of services from age 3 to 21; in its restriction of dependence solely upon culturally biased tests; and in its mandate for a State advisory council with parent and professional representation. It is praiseworthy in going beyond the State law in requiring a State plan and a review of any procedures involving the institutionalization of children.

May I respectfully remind the chairman that this still leaves unanswered the early infancy programs that former witnesses have telegraphed the need for. And as an educator I would like to reinforce the point that unless early intervention is made with many children, particularly the deaf child, but not only the deaf child, further education becomes superfluous, that early intervention needs to be made.

The most notable and salient parallel to the Massachusetts legislation is in its excess cost formula for payment as it relates to the right of the handicapped child to a public school education. The burden which this right to special services for a minority of the schoolage population places upon the local tax base is sufficient to discriminate against them when it comes to the actual provision of these services. In order to encourage their development and availability on an equal basis, it is necessary to affirm the obligation to the expenditure of only average per capita costs to the local education agency and to refer the excess cost of special services to a broader tax base. In Massachusetts, these costs will be referred to the general funds of the State, largely supported by the sales tax. In order to encourage the development of broad-based publicly supported services, an analogous Federal program is essential.

May I respectfully say at this point that in the Commonwealth we have taken in the step of putting in place, by 1974, six regional advisory committees for special education, half of which will be composed of parents and consumers.

The Federal legislation for the handicapped of the sixties helped define our problems, the nature and needs of the disabled population, the dangers of segregated programing, and established viable models for the provision of educational services. Sufficient numbers of professionals were trained so that we can now begin to consider providing appropriate educational services to the handicapped on a universal basis. S. 6 will have the effect of subsidizing on an excess cost basis the expensive building years of universal public school education for

the handicapped, leaving the job of ongoing support for the new programs to the local and State agencies once the services are set in place. It is a natural component to revenue-sharing legislation, protecting the investment in past programs and the rights of a minority.

Massachusetts is prepared to take full advantage of this legislation when it is passed. S. 6 would make a reality, sooner than we might otherwise reasonably anticipate, needed services now on the planning board for which we have already legislated ongoing maintenance support. Among these would be regional centers for assessment, child development centers for the multiply-handicapped, programs for early identification and disability prevention, parent counseling programs, a computer-based census and registry of children with special needs, prevocational, vocational, and sheltered workshop programs for the handicapped, supportive programs for children in regular classes to prevent school failure due to learning disabilities, consultative services for the public schools through the offices of the department of education, and the establishment of a community-related school system for children who require residential care.

At this point in time S. 6 presents the best model for legislation furthering services to the handicapped.

All of these things now are dreams in Massachusetts, but could become a reality with the partnership of the Federal legislation and chapter 766 in Massachusetts. The educational establishment in Massachusetts urgently requests passage of this extremely important legislation.

Senator WILLIAMS. Thank you very much, Dr. Rice. Let's turn to Vermont. Ms. Garvin.

STATEMENT OF MS. JEAN GARVIN, VERMONT STATE DIRECTOR OF SPECIAL EDUCATION

Ms. GARVIN. I am pleased to testify again before this committee on S. 6, as I did recently in Washington. The records should show that our Governor Salmon is very much concerned with the funding of special education and is very much interested in S. 6, and supportive of that effort. This bill could be very critical in the implementation of our State plans for special education and free public education for Vermont handicapped children by 1973.

Vermont has established some very specific goals for appropriately educating its handicapped children. We are determined to meet these goals by 1983. In the past, we have accomplished our objectives by a combination of local, State, and Federal participation and I trust this cooperative effort will continue.

As of September 1972, Vermont had still reached less than 40 percent of its handicapped children with sound appropriate special education. The statement of purpose in S. 6 which declares that close to 60 percent of handicapped children do not receive appropriate educational services which would enable them to have full equality of opportunity describes very well the position we find ourselves in Vermont. I know the records show that Vermont only serves 22 percent, but since those earlier figures we have made significant gains and increased the numbers of children quite a bit.

FIGURES BY DISABILITY

To be more specific, in September we had provided special education for 17 percent of our children with learning and behavior handicaps, 98 percent of our known trainable mentally retarded children, 44 percent of our educable mentally retarded children, 39 percent of our speech and hearing impaired children, 75 percent of our visually handicapped children, 98 percent of our deaf children, 58 percent of our crippled, health impaired, and multiple-handicapped children, and 3 percent of our children needing early essential education in all areas of the handicapped. To provide the other 60 percent of our children with a minimum of needed special education means that our taxpayers will have to raise an additional \$5.4 million, bringing our State special education expenditures to approximately \$9 million for 19,000 children. These are, of course, based on 1973 prices. It is expensive to provide free public education to all handicapped children. It is also expensive to ignore the children's rights and our responsibilities.

I think as a State, Vermont is just becoming aware of its growing responsibilities to provide this free public education for all handicapped children regardless of the severity of the condition. In my opinion we have common agreement that handicapped children must have at least an opportunity for basic minimum education. In the last few years, citizen support has been evident when we proposed additional special education expenditures. Even unsolicited, large numbers of our citizens come out to hearings in which expenditures for special education are discussed.

NEED FOR GREATER FEDERAL PARTICIPATION

Nevertheless, this growing responsibility poses a severe financial problem upon the educational community. School budgets are already placing a heavy burden on the tax structure of our State. The expressed opinion of many of my colleagues and legislators is that a greater Federal participation in this special education venture is required to meet our goals. Enlightened Federal participation requiring the accountability outlined in Senate bill 6 is absolutely essential. The purpose of such an act is to help the handicapped child learn. The individualized written program for each child including a statement of the child's present levels of educational performance, our long-range goals, and our intermediate objectives is not too much to expect as a basis for evaluation of dollars spent to achieve our objectives. Cooperative accountability with Federal, State, and local guidelines has a higher probability of helping the children than any single educational group working alone, which is definitely in support of this approach to the expenditures of special education as opposed to a more general special revenue sharing approach.

COST ESTIMATES

I am happy to testify today on behalf of Vermonters and tell you that we do believe that S. 6 represents a sound and responsible Federal answer to help our State and others reach appropriate education for our handicapped children. Senator Williams' bill is a very logical extension of our State funding program. To close the gap between

Vermont's present level of funding at \$3.6 million and the \$9 million needed for comprehensive special education does require a renewed effort from the Federal level as well as from State and local sources of funds. In reviewing our State program expenditures for the 40 percent of the handicapped children who are enrolled in special programs, we find a cost index of approximately 1.6. This 1.6 figure can be compared with the cost index figures mentioned in Rossmiller's Resource Configuration and Costs for Programs for Exceptional Children. Looking at individual programs the cost index figures begin at 1.2 with many of them falling at 2 and a few going as high as 10 times the average per pupil expenditure. In my opinion our cost index of 1.6 needs to be increased somewhat to make special education services completely adequate. But more important, we need additional excess cost funds so that the remaining 60 percent of our children can be brought to required levels of education within a reasonable timeframe. To reach the remaining 60 percent of our children we need to expend a minimum of \$9 million on special education in Vermont or an average of about \$500 in excess costs for all of our handicapped children. The present gap between existing and needed programs of dollars is \$5.4 million. At the present rate of growth, we will be able to fund an additional \$2.4 million by 1980 which is approximately \$3 million short of the amount of money needed to fully implement our special education goals. Some estimates of the amount Vermont might receive under such a bill come close to the amount needed to fully realize the desired special education programs.

NEED FOR CONTINUED RESEARCH AND TRAINING

Although it is difficult to follow others' mathematical reasonings at times what I have attempted to show by these figures is that with sustained efforts from State and local revenues and with a funding formula such as described in S. 6 Vermont would be very close to having the funds necessary to provide the special education of its handicapped children, preschool through secondary age. The only thing that might be missing at that time to insure quality services would be a research component to continually push back the frontiers of learning difficulties in the educational realm and the continued infusion of Federal dollars into manpower development wherever there are manpower gaps.

I am very concerned about manpower development. I think some of the national figures on this mask a problem. It is true that the special education manpower is in a lot better shape than it was a few years ago, but there are still areas of this country, and I think Vermont is one, where we are just beginning to get off the ground and we need to be sure that in fact if we don't have the manpower, we might just as well not have the legislation.

Manpower development program funds just have to go together with basic support. We have been very successful in the training program that the handicapped have developed. Among the children with special needs that we are not meeting at the present time are children with the most severe handicaps, autistic and multiple-handicapped, the secondary school child with health impairment or behavior disorders.

There are those that might say that money would be best invested in the medical and long-term care of the multiple-handicapped and that education is not very important. I would just like to go on record as saying that I do not believe that to be so, that a sound educational program designed to significantly increase personal, social, and academic skills and solve persisting life problems can have a tremendous effect upon a child's chances of participating in a good life even if he should need extended care and, on the other hand, we have evidence at least that at the older adolescent level in secondary school that is not too late to make an impact provided we are willing to invest the time and use the right procedures.

Without Federal help, it is very doubtful that we will reach the levels outlined here by the end of the 1980's. For some children, as yet unborn, it goes without saying that that is far too late. Help is desperately needed to bring handicapped children the educational funds required to make even present school district expenditures meaningful and useful. Without these excess costs, we may indeed be wasting money that is spent on their education at this time. I say this to you because we in Vermont do believe these children have a right to a free public education as I'm sure you do. We believe education should be provided at public expense and under public supervision. We believe in the individual written plan required by the Williams bill and we believe that cooperative planning and funding by Federal, State, and local agencies is the right direction to take in meeting our obligation. Senate bill 6 provides the vehicle through which such cooperative effort could continue and expand.

Senator WILLIAMS. Thank you very much. We have been twice blessed with your testimony and help. Thank you very much, Dr. Klebanoff.

STATEMENT OF DR. LEWIS KLEBANOFF, ASSISTANT COMMISSIONER, MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH

Dr. LEWIS B. KLEBANOFF. I will not comment from my written statement because you already have that. I can't speak for my Commissioner because we don't have a Commissioner at the moment, we are in an interim period, so I am speaking essentially for myself.

My job makes me responsible for services in the Department of Mental Health to the mentally retarded, but I am also an editor of *The Exceptional Parent* magazine which has had the pleasure of publishing a letter from you, Senator, and which has a wide readership of parents of children with all kinds of disabilities.

And my interest, although my job requires services to the retarded, my interest is in children with all kinds of disabilities. And among the things we are trying to push is parent cooperation rather than competition. The tragedy of services being so sparse that parents of different kinds of children with different kinds of disabilities have to compete for the few resources is almost as tragic as the disability itself and it is our hope that cooperatively and with the support of legislation like this all of the children of need will be served.

FLEXIBILITY IN EARLY IMPLEMENTATION

I would like to suggest that at least in the beginning stages of legislation it not be rigidly limited to the Department of Education and to public schools, that there should be some flexibility within a State plan. I think with the coming of Dr. Rice, my confidence in the special educational establishment in Massachusetts has risen markedly but still throughout the country some of the best educational programs particularly at the various age extremes are probably not in education agencies and there should be some flexibility of where programs can get supported, at least in the beginning.

We have had a nursery school program for retarded children since 1957 which has over 100 nursery schools now in Massachusetts; it's been run by the Department of Mental Health. I would agree that over the next years as the new 766 comes on board and Dr. Rice gets out from under the flood of getting that started, that it may very well be logical that that become a Department of Education kind of function. I'd be just as happy to move to infancy programs which we have already begun. These programs are not legislated, so we bootleg some of our personnel into home visiting disabled infants. I am also director of a project making films, single loop films and slide tape presentations of developmentally disabled infants, many of them made right here in this hospital, to take into the home of parents of developmentally disabled infants to show them what can be done to stimulate the development of their children.

Also it tells them that their community recognizes they have a special need, recognizes they have a great deal of confusion and don't know where to turn, and that somebody cares and in fact is at this very early age in infancy bringing help to them and to their child and to their family.

Now, it is going to be necessary for this to be meaningful to have a comprehensive continuum of services from early infancy right on through old age for many kinds of disabilities. Many other children, by having adequate educational services, will disappear relatively anonymously into the community and not continually need special services. They may need architectural barriers removed and things of that sort and in that sense I would suspect that this legislation will pay for itself over the long run.

One way or another you have to pay for very disabled people and this is a much more creative and habilitative way of paying for it than paying for storing twisted bodies that could have been prevented and could have been helped to development.

This proposed legislation has a section, section 3, which refers to related services and requires a little more elucidation, I believe. Section 6 of paragraph 5 prohibits racial and cultural discrimination in testing and that touches on the same issue, but it seems to me the language may be far too narrow. As vital as nondiscrimination is, it is not the only issue.

STANDARDS AND UPDATING TRAINING

The area in which most school systems are weakest is that of the clinical assessment functions, the really careful differential clinical assessment of a child and an educational prescription to remediate that. State standards for school psychologists, counselors, and social workers are often shockingly below generally accepted professional standards, and even then are often ignored.

It is very possible in a great many States for schoolteachers to take cafeteria courses in the afternoon and summertime and after a number of years you collect 30 credits for a master's degree and suddenly become a psychologist. They have never had clinical training or experience, they have never worked in a clinical setting and picked up the clinical milieu and culture or the school clinical milieu.

I think there should be specially trained people for the school role and I am not suggesting that that ought to be done in psychiatric clinics by any means. But without solidly prepared, well supervised, and experienced clinical personnel, the whole system may turn out to fall far short of its worthy goals.

Thus, I think in the advisory panel mandate it should also include specification of a psychoeducation clinical expert. Also, another issue that concerns me to some extent is the right of the parents to examine all relevant record with respect to the classification or educational placement of the child. Certainly there is no section better intended to be progressive.

ACCESS TO RECORDS

It is clear that for too long parents have been regarded as incompetent, as a nuisance and not entitled to have information about their own child. However, giving them access to raw records will only guarantee the keeping of dual records in which there will be one set that everybody knows the parents can get access to and another set tucked away in drawers. That may have certain advantages in that rumors or teachers' comments won't get into the public record and harm the child over the years; in that sense it is quite good.

But when it comes to the medical records, our own or those of our own children, for example, although we may be intellectually capable of comprehending the material in them, if we had access to them we would likely not be emotionally capable of dealing with the material. And what I am suggesting is not that parents don't need the material, indeed they do, but what they need is in the context of a trusting professional relationship in which they can explore with a competent trusted professional person in the schools, if you will, the interpretations of the data, their feelings about the data, the meanings of it and the meanings to the child's future educational plans and the meanings to the family, and then plan through thoughtfully together about the future of the child.

Anything less than this is tragic pretense. Despite the paucity of standards and the difficulty of doing what I suggest, because there is a great shortage of the personnel, I don't believe we can finesse that issue. If we do, I think we may spend a huge amount of money and still not really have done what every one is intending to do in this extremely well motivated and generally exceedingly excellent legislation.

So that I would urge that there be something included in there about the training and the understanding of personnel to really work with the parents to make that material meaningful and just not giving them documents to read which they may not be able to deal with.

Parenthetically, Mr. Liederman referred to 89-313 and his concern about that money. Maybe one of your staff can look into this, but I have heard from one source that HEW may be very well ignoring the intent of Congress in apparent violation of section 144 of ESEA, which suggests that the money cannot be spent until the major money is spent on disabled children. From what I hear HEW may in fact not be doing that.

And I don't pretend to be conversant with the details of that, but that may be one thing you could do very quickly, just getting HEW to obey the current law if in fact that is correct. I'd be delighted to answer any questions you may wish to ask and I thank you for the opportunity of appearing here today and to support this legislation.

Senator WILLIAMS. We dealt with that last point, Doctor, earlier. Evidently 1973 figures are all right. Still in this legislation, we don't attempt to deal with the trained professional who will make the provisions work, you know, the counseling and all of the other provisions, due process provisions. What is the state of Federal support for training?

Dr. KLEBANOFF. It is getting worse by the minute in all fields, I understand. But I guess the reason I brought that up was because since there is going to be such an enormous aid to the States under legislation like this, you could in fact by setting general specifications insist that the State come up with an acceptable plan of how they will meet the need for trained personnel.

I don't think the Federal Government should mandate one way for every State to meet that need, but it could require that every State in fact come up with an acceptable plan. So that you get away from this cafeteria kind of training with half-baked clinical people that are found in too many schools. Unless we really get to do that and retain teachers of the disabled away from the segregated classroom model, unless there really is some strength in that area, we will be spending a lot of money for building Edsels, and that would be too bad unless you are an antique car buff.

Senator WILLIAMS. I was thinking of the Edsel this morning driving over when I looked at a building down the street. You have your Skyscraper Edsel here, don't you?

Dr. KLEBANOFF. Oh, yes. Whenever anyone tells me how inadequate and inept we public officials are, I take them down to Copley Square and show them that monstrosity, that triumph to private enterprise, the John Hancock Building.

Senator WILLIAMS. I mentioned what came to my mind about the Edsel, and the cabdriver said, "You know, there are three Edsel clubs in town doing very well." People are preserving their Edsels.

Dr. KLEBANOFF. Nobody wants to build a new one.

Senator WILLIAMS. No. Well, at any rate, this is a serious problem that we should not have because training programs were in place and they are just being atrophied by the Nixon Administration policies.

Dr. KLEBANOFF. Yes; but you also have to have standards. Training has to be very closely tied in with standards because what schools of

education have unfortunately settled for is this cafeteria model with the after school dash from 4 to 6 and take a course. I did a study in a neighboring State some years ago for the State legislature, and I found a lady qualified as a school psychologist; among the courses which qualified her was one course in teaching high school business arts, another one was Tudor England to the Romantic period, and a third was aviation technology.

She got one-third of her graduate credits in school psychology for those three courses, and she was getting graduate credits. She trotted out every afternoon, and then in the summertime she went to New Mexico State one summer, East Utah State Teachers College another summer, to Montana another summer. I don't think she got six credits in the same school.

That's not how you prepare psycho-educational specialists, whether psychologist, social worker, what have you. They have got to be part of an integrated training program that has not only technique, but an ethic, a philosophy, a belief, and an understanding about children and families and the whole role of special personnel.

Families have historically been an inconvenience to schools. I don't think we can any longer think we are going to help children unless their families are considered as a vital rehabilitative element in helping a child with special needs to development. We can't treat the parents as if they were an annoyance we wish would stay out of our hair, because they are very key figures.

We not only have got to not ignore them, we have to utilize them as an extremely important rehabilitative agency, as important as the schools or all the fancy professionals they go to.

Senator WILLIAMS. Well, I agree with you and that is why the parent is completely recognized in this legislation.

Dr. RICE. Mr. Chairman, may I just briefly amplify one point. As I testified earlier, the officials within the Department of Education like S. 6 as is, with the possible exception of the early infancy-early childhood component. Massachusetts has been a teacher exporting State. I don't want to be held to this figure, but tending to export 40 to 50 percent of the people we train. This has been in a sense a hazard in Massachusetts.

The important implications I find in Dr. Klebanoff's comments are twofold—that S. 6 should not be looked upon as a substitute for existing teacher training-manpower development legislation, such as part D that we use to train people within States. And secondly, at least speaking for Massachusetts and Vermont and their excellent university-based itinerant teacher programs, our problem is not so much training new people. Even though it is heartless to say, the United States at the moment is deluged unfortunately with many, many teacher candidates that are now jobless.

It is well known that for every job that comes up in Massachusetts for special education teacher, we have 50 or more candidates. The problem is one of quality and taking the people that are in place and finding continuing training as we go along. And we think with this kind of funding, such provision can be made contractually on an inter-agency and university basis.

Our commissioner, for instance, the other day made a policy statement that among the universities in Massachusetts, there ought to be

a massive collaborative effort to translate some of their programs into inservice teacher training programs to increase the quality. Thank you.

Senator WILLIAMS. One remaining question on revenue sharing. Mike Francis of Senator Stafford's staff wonders about the impact of proposed educational revenue sharing on education of the handicapped, how would it impact the special revenue sharing in the State of Vermont?

Ms. GARVIN. I could only hope that we could move very quickly to the S. 6 approach to funding, and I feel that revenue sharing would have the effect in Vermont of putting us in competition with our colleagues. That competition would not be productive. Handicapped children would tend to lose.

Even if you didn't think about the decisionmaking process and how you might lose there, we already know we would lose dollars if the facts that we know hold up. In my opinion children who are now awaiting services under laws that are pretty well established and policies have momentum or going, revenue sharing would have the effect of kind of disorganizing us.

I think it would slow us down and I do not think it would be as productive as a categorical approach like S. 6, which gives us cooperative Federal-State relationship.

Senator WILLIAMS. Thank you. The goal has been set that we reach all of the handicapped children by 1976. Is that realistic? We have a national goal that was set on high by the Administration for services for all by 1980. Your law is effective in 1974 and then, as a matter of right, people are supposed to have an equal educational opportunity, is that right?

Dr. RICE. Yes. I think HEW set 1980 as their goal. And in Massachusetts it is true that our legislation becomes effective, but I think here reality confronts resource. All the good intentions, all the laws, in due respect to lawmakers, that men have made through the ages are worthless unless the motivation of people and resources are there to deliver.

This is why I think that the genius of S. 6 and our own in-State legislation calling for localized planning is so important. It is only through the planning of the consumer groups in meaningful year-by-year stages that we are really going to get the services in place. Which is a long way of saying, sir, that I don't think that because someone says it will be 1974, 1976, 1980, or you pick a year, it will necessarily happen.

It has to be a combination of all the forces being motivated to deliver. In Massachusetts we are taking a planned stage approach so that I would feel that some time by 1975 or 1976 we ought to have effectively minimal programs in place for most, defined as perhaps 90 percent of the handicapped children.

Some of the children we are talking about, remember, have been institutionalized, for instance, for many years and now suffer, as it were, from institutional disabilities, not from inherent disabilities in the child. Now, those children are going to be tougher to deal with and tougher to find bridging programs to the community.

But I think it can be done with the orchestration of the State approach we have taken and the Federal help that can bring us the re-

source to do it. But if one or the other is missing, if there is just resource and no planning and no human manpower attempt to do it, it now won't work. If there is all the manpower, but no financial resources it won't happen.

But the orchestration of these two, I would feel, in 1980 that the BEH-HEW goal in my judgment would be realistic.

Ms. GARVIN. May I just comment on that. I'd like to support that 1980 date. Just that we did quite a complete analysis of manpower needed to meet our goals, and they are minimum goals, and it was not until 1980 that we could realistically reach it. And it had a lot to do with tooling up a university to do something. We didn't want to tool up way beyond what we would need to continue.

So this matter of meshing all the parts is so important and 1980 was the date that we came up with based on our present resources.

Dr. KLEBANOFF. But that doesn't mean that legislation can wait until 1979.

Senator WILLIAMS. Fine. Thank you very much, doctors, Ms. Garvin.

At this point we will put in the record a communication from Mr. Joseph W. Kern, Coordinator of Services for Exceptional Children, Department of Educational and Cultural Services of the State of Maine.

[The information referred to follows:]



STATE OF MAINE

Department of
Educational and Cultural Services

AUGUSTA, MAINE 04330

May 2, 1973

To: Honorable Members of the Senate Sub-committee on the Handicapped

From: Joseph W. Kern, Coordinator of Services for Exceptional Children

Subject: Senate Bill No. 6 - "Education for all Handicapped Children Act"

The Maine Department of Educational and Cultural Services has become increasingly aware that many states have implemented legislation mandating special education services to exceptional children. The Department is further concerned that numerous class action suits are being brought to Federal court by parents and professional groups on behalf of handicapped children, seeking to guarantee the right of educational opportunity and due process. The timely preparation of appropriate legislation, coupled with necessary implementation procedures, will go far to assure that the transition from a situation wherein only a portion of Maine's exceptional children are served, to one where all children requiring special services are identified and served, indeed becomes a reality.

It is estimated that of the 272,000 Maine school age population approximately 46,000 are afflicted with a disability which necessitates special education and training. Maine presently is serving only about 21 percent or about 9,600 of its 46,000 exceptional children. We are therefore not meeting the educational needs of about 36,400 Maine school age exceptional children.

For the 1971-72 school year, local education agencies in Maine spent \$2,691,924 and the state reimbursed \$1,156,008 for the education of handicapped children. Our finance office estimates that it would cost the state alone some \$15 million annually if all handicapped children were to be provided with an appropriate educational program.

This cost factor is proving to be the biggest stumbling block in our goal to achieve an appropriate program for all handicapped children by 1975. For the 1973-74 school year, for example, indications are that



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practically no new special education programs will be added in the State of Maine. History has shown that Federal funds have been a catalyst in this state.

Senate Bill No. 6 - "Education for all Handicapped Children Act" will help close the vast financial gap and encourage the expansion of needed services. S-6 is vitally needed as an investment so that untold millions of handicapped children will be contributing, productive members of society rather than liabilities.

I urge your earnest consideration and passage of Senate Bill 6.

Thank you.

JWK/sc

Senator WILLIAMS. Our last panel of witnesses are representatives of organizations, Martha Ziegler representing the Massachusetts Coalition for Special Education; Dr. George Pratt, president of the Clarke School for the Deaf; Dr. Ben E. Hoffmeyer, director of the American School for the Deaf, representing the Council of Educators of the Deaf; and Dr. Sal Pace, representing the American Speech and Hearing Association. All present.

I mentioned you first, Ms. Ziegler. Why don't you lead off.

**STATEMENT OF MARTHA ZIEGLER, REPRESENTING THE
MASSACHUSETTS COALITION FOR SPECIAL EDUCATION**

Ms. MARTHA ZIEGLER. Mr. Chairman, the Coalition for Special Education in Massachusetts is a happy side effect of our new Bartley-Daly law. This coalition represents a coming together of some 30 statewide citizen organizations, including, in addition to consumer-parent groups, such organizations as the League of Women Voters, Massachusetts Teachers Association, the National Association of Social Workers, the Boston Chamber of Commerce, and the Massachusetts Mental Health Association.

In our experience through this coalition, I would like to urge other parents who are still around and you also, perhaps, not to be discouraged. Coming together in a coalition of this kind represents a great deal of power and it represents political power.

We earlier heard that handicapped children may comprise up to 15 percent of the total population of school age children. If you stop to think a moment that usually there is one child to a family and that there are momma and poppa and grandparents and other interested family members, in addition to professionals and other committed citizens who are concerned about what happens to handicapped children, we are getting into large numbers of voters, significant percentage of voters. Let's keep up the hope. It happened in Massachusetts in 1 year.

As chairman of our coalition and as a parent of a severely disturbed child, I heartily endorse the goal of S. 6, the goal of making free appropriate public education available to all handicapped children. We realize that private schools have made an invaluable contribution to the education of handicapped children, and I might say that my own daughter would not be where she is today facing the possibility of a semi-independent life had it not been for her experience in private schools today.

Also, we know that the private schools must continue to play an important role no matter what happens in our State or Federal legislation. Still, we believe that in a democratic society placing a child in a private school should be a matter of choice, not of desperation as is now the case for most handicapped children.

Further, I would like to say in defense of public education for handicapped children, specifically for placing them with other children, our so-called normal may grow up to become parents of handicapped children. Hopefully they may even grow up to become employers of handicapped persons. Certainly hopefully they will be in contact from time to time with handicapped persons much more than has happened up to now.

Their education will not be complete without some kind of well trained and well prepared contact with handicapped children. The sooner it begins the better. On the basis of our experience here in Massachusetts in developing the Bartley-Daly law, I do respectfully suggest that you consider a few changes in S. 6 which I think might strengthen it.

One of the major provisions in our law mandates that local school districts pay toward the education of children with special needs at least the amount the district would pay if that child were in a regular classroom regardless where the child is placed. I am well aware of the difficulties of this kind of concept of Federal legislation. Nevertheless, in the interest of true equality and the localizing of responsibility, I would like to see a similar requirement embodied in S. 6.

Parents of handicapped children don't get any rebate on real estate taxes. Placing responsibility on a local school district, placing financial investment there increases responsibility.

I have had to say quite a bit about children in institutions, but briefly let me say that I second what Professor Dybwad had to say. Much as we all are hoping for deinstitutionalization, there is a transition period and these children are so easily forgotten. They are not visible and it is easy to forget they are there.

I would like to see more detailed requirements for the composition of the advisory boards described in S. 6; specifically, at least half of the members be parents of handicapped children. Further, I suggest requiring even more power for these boards, especially in the area of monitoring programs.

Both in our State law and on the Federal level I think that input from parents and consumers is absolutely crucial for successful implementation of the laws. Now, I certainly support S. 6, and I wish to especially commend you, Senator Williams, for certain particular features in the bill. I am happy to see a requirement for annual evaluation of the effectiveness of programs in meeting the educational needs of handicapped children. Up to now the usual custom has been the other way around, to evaluate the child to see if he fits the program.

Finally, we are getting ready to stretch the schools instead of the children. I am pleased to see that S. 6 bases reimbursement on pupil days in school, in other words, on attendance. I know from experience with my own daughter that it is all too tempting for a special education teacher to send a child home when the going gets rough. If the school system stands to lose funds each time a handicapped child is sent home or kept at home because today she refuses to learn, administrators would soon start helping teachers to develop new techniques for coping and teaching.

Many handicapped children are not easy to teach; often they are not easy to live with. Teaching them requires not just training and education, but imagination, especially as they grow, develop, and overcome their handicaps as best they can. But they are full of surprises, wonderful surprises, just like our other children.

Thank you, Mr. Chairman.

Senator WILLIAMS. Thank you, Dr. Hoffmeyer.

**STATEMENT OF BEN E. HOFFMEYER, EXECUTIVE DIRECTOR OF
THE AMERICAN SCHOOL FOR THE DEAF, WEST HARTFORD,
CONN.**

Dr. HOFFMEYER. My name is Ben E. Hoffmeyer and I am the executive director of the American School for the Deaf, West Hartford, Conn. I feel privileged to have the opportunity to speak on behalf of handicapped children of the United States and to speak in support of legislation that will enhance their opportunity to become independent and self sufficient citizens.

I had the honor of serving as president of the Conference of Executives of American Schools for the Deaf of the United States and Canada, and President of the Council on Education of the Deaf which represents the three major organizations that concern themselves with educating deaf children of the United States and Canada. In these positions I had the opportunity to witness the tremendous help that support of training programs, demonstrations, innovative projects and the like had on improving services to the handicapped children, especially in the area of hearing impaired.

MULTIPLY-HANDICAPPED CHILDREN

We are stepping into the dawn of new challenges which were created by the Rubella (German measles) epidemic of 1964-65. This epidemic was nationwide and there is a "bubble" of handicapped children in the age group of 7- to 9-year-old that are, in many cases, multiply-handicapped.

The ability of the obstetrician to bring prenatally defective children into the world, and of the pediatrician to preserve their lives, has outdone, for the time being, the ability of medical science to prevent the children's deficiencies, and of educators to know how to handle them with present methods and facilities available.

During the past 25 years, much progress has been made in the field of special education. The obviously handicapped—the deaf, blind, the mentally deficient, the orthopedic cripples, were recognized as needing special services and the terms "exceptional children" and "special education" are associated with such deviates and used loosely to describe them.

Educationally speaking, this is specialization and programs were initiated to meet some of their needs. These were recognized and still are recognized as great steps in educational progress; however, we are now in an era where specialization must be further specialized because of the large segment of multiply-handicapped children that do not fall into neat categories.

The multiply-handicapped child has become the challenge of the 1970's and has become the concern of all fields of special education. The problem is alarming for there are few tested and proven approaches that can be used in these most difficult educational clients. Ever increasing concern is voiced in professional meetings and professionals are concentrating their thoughts and efforts toward a solution.

Certainly, standard methods have to be altered and goals for these children must be reassessed.

The multiply-handicapped, those children with two or more educational or social deprivations, need help today, and medical, psychological, psychiatric, and educational fields are caught unprepared to supply their maximum needs.

When society is being challenged to provide minimum requirements for general education of the normal child, certainly special education will have to fight hard for its place in the educational tomorrow.

(1) Concentrated research is needed, for there are still many undiscovered secrets to the learning processes of these handicapped and, especially, the multiply-handicapped children.

(2) More diagnostic facilities are of urgent need, for these are complex children who need comprehensive diagnostic evaluations.

(3) Present special educational facilities must be expanded and diversified to fit the needs of the atypical handicapped child.

(4) Administrators and teachers must broaden their understanding and methods to fit the individual child. Too often they are enslaved to one approach, one method. They must dare to experiment.

(5) Teachers of the multiply-handicapped child will need training in more than one field.

(6) Team approaches to the child must be used—the doctor, the psychologist, the psychiatrist, the neurologist, the teacher, parents, and all others who come into contact with the child, must be oriented to the child and his needs.

Deafness is a serious educational and social handicap, and it is estimated that over 50 percent of the deaf student population has one or more additional handicaps. The incidence of deafness is low and, therefore, the deaf can easily be lost in the sea of handicapped children. Deafness is a serious handicap, educationally, and a serious social handicap, yet one that education and opportunity habituates a very high percent. The deaf do enter the world of work, own homes, cars, pay taxes, et cetera.

A federally funded teacher training program brought immeasurable benefits to the deaf. No one knowledgeable in this area can deny that this was a wise investment of tax dollars.

Captioned films—another first in education of the deaf, and a tremendous educational asset to the deaf, which is now being expanded to benefit all handicapped.

Public Law 89-313, without a doubt, brought more innovation to education of the deaf in its relatively short life than any single legislative act in history.

But educators of the deaf today and educators of all handicapped children are being concerned about possible cutbacks in these funds. We appreciate the tremendous and vigorous effort on your behalf for the handicapped.

The handicapped will suffer unless money is specifically earmarked for the handicapped. We urge that they be protected and assured their share and their right to be educated.

Research, training, demonstration, and support of educational programs must continue or else we will have lifelong burdens on society instead of self-sufficient citizens for tomorrow's world.

I, therefore, urge continued and expanded Federal support for the handicapped children of America.

Senator WILLIAMS. Thank you very much, Dr. Hoffmeyer. Let me ask you how many teacher training institutions are there training for the deaf?

Dr. HOFFMEYER. Approximately six in the United States.

Senator WILLIAMS. And this support is withering, too, Federal support for this teaching program?

Dr. HOFFMEYER. It definitely is diminishing, yes.

Senator WILLIAMS. Now, we have Gallaudet in Washington, I went over the figures there, we had a lot of alarms rung, that they were getting a substantial reduction this year. Really, it was only in buildings they received their reduction that I could see. Are you familiar with that particular institution?

Dr. HOFFMEYER. I am a graduate of Gallaudet teacher training program; I am familiar with that. But I assume it was cut in all educational programs.

Senator WILLIAMS. Well, that is what I assumed. Maybe I read the figures wrong. I was right, it is strictly construction. The training program continues. You are a graduate of Gallaudet teacher training?

Dr. HOFFMEYER. Yes, sir.

Senator WILLIAMS. You know, we have had some magnificent people before this committee in other years on other programs and in this one, too, and I am not fully educated in the sign language, but I have got a few things I could communicate to you later. I won't take the time. Miss Fabray, she has us all in training. She's a delight. I am sure you know her.

Dr. HOFFMEYER. Yes, I do.

Senator WILLIAMS. She comes more than faithfully, eagerly to the committee as a witness. Dr. Pratt.

Dr. GEORGE T. PRATT. The hour is late and my testimony is brief. You will note that my formal testimony is addressed to Senator Randolph because I got the telegram from him and thought he would be here, but I am delighted you decided as chairman of the committee to come to Boston. We consider you to be a strong supporter of handicapped children for many years back through Senator Lister Hill days, whom I knew very well, and Dr. Joshman, who I think you probably know. I am glad you decided to come up to be with us.

Senator WILLIAMS. Thank you. I am delighted to be here.

STATEMENT OF GEORGE T. PRATT, PRESIDENT OF THE CLARKE SCHOOL FOR THE DEAF, NORTHAMPTON, MASS.

Dr. PRATT. Mr. Chairman, my name is George T. Pratt, president of the Clarke School for the Deaf, Northampton, Mass.; and I have served for a number of years as a member and vice chairman of the Advisory Council for the Deaf of the Massachusetts Department of Education. I am pleased to have this opportunity to appear and testify in support of S. 6 introduced January 4, 1973, by Senator Harrison A. Williams, chairman of the Committee on Labor and Public Welfare, and cosponsored by Senator Edward M. Kennedy and Senator Edward W. Brooke of Massachusetts, both associated with and knowledgeable about Clarke School and our programs.

For over a century, since 1867 in fact, Clarke School has been educating profoundly deaf children who come to us 4 years old without connected language in any of its forms. They cannot hear, speak, read, or write. During the course of the next 6 to 12 years after admission they are prepared, by professionally qualified teachers of the deaf using special methods and procedures, to return to the mainstream of public or private education in their home areas. Most go on to graduate from high school, and the academically inclined go on through college or university. Our alumni hold degrees from Harvard, Columbia, Smith, Mount Holyoke, University of Michigan, University of Maryland, and many others. Three have earned Ph. D. degrees from Johns Hopkins University (chemistry), Boston University (psychology), and Yale University (theoretical physics). The last student I mentioned is presently assistant professor of physics at Rice University and was recently appointed a member of the Texas Commission for the Deaf by the Governor.

The above is included as an indication that the education of youngsters born profoundly deaf is possible. However, it is also difficult and expensive. Teachers and other professional personnel require special preparation. The number of children in a class is held to eight or less, with a good deal of individual tutoring required. To take advantage of the small amount of hearing the children do have, complex amplification systems, group and individual, are provided. Classrooms are sound treated. Support personnel such as audiologists, psychologists, and media and instructional materials specialists are needed.

NEED FOR ADDITIONAL FEDERAL FUNDS

Massachusetts has long been committed to the idea that all its children are entitled to quality education at the expense of the Commonwealth. However, the quality factor for deaf children has not always worked out evenly across the State. Therein lies the problem and the concern which the advisory council for the deaf has addressed itself to since its establishment following the rubella epidemic in 1963-64. This summer it is expected the third and final version of a comprehensive State plan for the management of Massachusetts deaf children may be agreed upon by the council and submitted to the commissioner of education. It is being tailored to fit in with chapter 766, scheduled to go into effect in September 1974. That legislation is in harmony with your S. 6 and should insure that Massachusetts meets the eligibility requirements specified in S. 6.

When chapter 766 goes into effect in September 1974, Massachusetts will be under additional financial stress to implement its provisions for comprehensive annual evaluations, regionalization of services, supportive services for those children integrated into educational programs with hearing children, secondary educational programs for deaf children for both academic and vocational students, and qualified supervisory and administrative staff to carry into effect the many needed and desirable provisions of the legislation.

It is possible that S. 6, which you have introduced, may be the difference between deaf children and other children with special needs in Massachusetts getting the basic education they need so much or not getting it because of financial problems. We believe we know where

we want to go and that guidelines have been laid down to get us there, but additional financial support is necessary if we are to succeed. Let me express appreciation to you and your committee for your understanding of our needs, and for drafting S. 6 to help us meet them, and for your determination to see its adoption. I speak in favor of S. 6 and wish you well. Thank you.

Senator WILLIAMS. Thank you very much, Dr. Pratt. With all of this testimony it will be very, very helpful and essential to the committee as we work up this legislation. We are very grateful.

Mr. Pace.

STATEMENT OF DR. SAL PACE, REPRESENTING THE MASSACHUSETTS SPEECH AND HEARING ASSOCIATION

Mr. PACE. Thank you. I appreciate being here today. I think I am the only teacher today of speech and hearing handicapped and, therefore, would like to give my views and also the views of the Massachusetts Speech and Hearing Association. And if I may do so, Senator Williams, I would like to do it spontaneously since I have already submitted a report to you. I can just briefly sum up.

As a speech and hearing clinician who works with youngsters every day—and I have for the past 12 years in the town of Lexington, which is north of Boston—I have been very concerned with youngsters with speech, language, and hearing impairments. Much too often throughout the State of Massachusetts we see clinicians working with youngsters with physical or emotional problems, also clinicians in public school settings working with more than 100 youngsters per week with speech, hearing, or language impairment.

Many times the mentally retarded and the emotionally disturbed youngster who has a communication problem doesn't receive an adequate program in speech, language, or hearing. If he does receive a program, it is usually not an intensive program. Many of these youngsters need programs on a daily basis. This is almost unheard of in many of our public schools.

I recently asked many of our clinicians in this State how many of them had the opportunity to offer service for our homebound youngsters, that is youngsters with physical or emotional problems, also with speech, hearing, and language problems. Senator, I could not find five speech clinicians throughout the State who offer a continual intensive therapy program for our homebound students.

Recently the State Department released a statement stating that 38,000 youngsters were seen for speech, language, or hearing therapy in the public schools; 38,000 youngsters seen for therapy by approximately 200 or so speech clinicians in the State of Massachusetts. There was a breakdown figure that estimated the cost of \$113 per year per youngster with a speech, hearing, or language deficit.

One sits down to figure this out and estimates that the youngster receives two therapy sessions per week over the school year, and it comes out to something like 80 cents per therapy session per youngster. Needless to say, this nowhere touches the number of youngsters who are on waiting lists, youngsters yet to be identified because of lack of staff and budget.

I hesitate to admit, but I think it is often true in public schools that many administrators do not prize handicapped youngsters; they only eat into their budget. And because of this many handicapped youngsters in many of our communities are low on our priority lists. It is very difficult, very difficult to convince an administrator an additional staff and budget is needed to serve the youngsters in their community.

The administrators have their own priorities and I am afraid that in many instances the priorities of the minority are overlooked. Speech clinicians barely have time to do adequate clinical assessments. The time to do diagnostic intensive therapy, followup, counseling with parents, staff meetings, is almost impossible with caseloads of 100 and more throughout the State.

In other words, these are youngsters who stutter, youngsters with cleft palate speech, youngsters with delayed language, youngsters with hearing defects, youngsters who have an assortment of articulation problems, voice problems, because of other factors.

I am personally pleased to see S. 6 and would like you to personally know that the speech and hearing profession here in the State of Massachusetts highly supports it. They send you their wishes and regards for the bill and I appreciate being here today. I would also like to answer any questions you may want to ask.

Senator WILLIAMS. Thank you, Dr. Pace. I wonder—

Mr. PACE. Clarification, Senator. That is mister.

Senator WILLIAMS. Well, in my book you are a doctor now. You certainly know enough to be a doctor. You are not cafeteria educated. Let me ask you, you are in the Lexington public school system, is that right?

Mr. PACE. That's right.

Senator WILLIAMS. And at the secondary or the elementary or do you work in both?

Mr. PACE. Fortunately, I work from kindergarden through grade 12. However, many of the speech clinicians in the State of Massachusetts do not service the secondary level, that is junior high and senior high level, mainly because they are understaffed and these youngsters on that level do not receive any therapy at all. Many times these youngsters are referred to clinics, such as this one in Boston, which really puts an additional emotional and financial burden on many of the parents, especially if they have other youngsters to tend to.

And many times the clinics can't even service these youngsters because they themselves have 2 and 3 month waiting lists in many instances. It is almost an impossible situation for the speech and language handicapped youngsters in many of the communities.

Senator WILLIAMS. Your educational mission is to have these children ready to be part of the regular classroom attendance at work, is that right?

Mr. PACE. Yes. Many of these youngsters are in regular classrooms; many of these youngsters, in fact a majority of them, are in regular classrooms. Except for the youngsters with speech deviations, who are mentally retarded and emotionally disturbed, many of these obviously are separated and there is little indication of integration as of yet. These are youngsters whose speech deviates from the normal to the extent that it may draw undue attention to themselves or hinder

their academic performance in a regular classroom, even though they are in a regular classroom setting.

Many of our hearing impaired are in a regular classroom throughout the communities of the State.

Mrs. ZIEGLER. Senator Williams, there is an ironic sideline here. My daughter, who is autistic and whose primary disability is language, is in a special education class in Lexington. To tell you how little time Mr. Pace has to spend with the severely handicapped children, a few minutes ago was the first time Mr. Pace and I had an opportunity to meet each other. I doubt if you have ever seen my daughter. Have you?

Mr. PACE. No, I haven't.

Mrs. ZIEGLER. This is a measure of the problem.

COST OF EDUCATION

Senator WILLIAMS. Our legislation relates to the additional expense that the school system has in educating youngsters with handicaps. Are you familiar with the additional expense in Lexington that the community faces?

Mr. PACE. The only additional expense I am familiar with, Senator, is that 50 percent of the speech clinician's time and his equipment is reimbursed by the State to the community. Outside of that I am not familiar, I am sorry, with the breakdown in expenditure to special education.

Senator WILLIAMS. How many youngsters are there in your school system that have this speech and hearing problem that you are dealing with?

Mr. PACE. That we are dealing with. We have identified 310 youngsters. There are 4 full-time speech clinicians and 1 part-time clinician and we are actively seeing 230 of those youngsters at the present time.

Senator WILLIAMS. What percentage of the school population is that?

Mr. PACE. Let me see, we have 9,000, approximately 9,000 school age youngsters in Lexington.

Senator WILLIAMS. I didn't realize Lexington was that large.

Mr. PACE. It's grown.

Senator WILLIAMS. I thought of it as short of a crossroad. But did you say three full time?

Mr. PACE. Four full time and one part time. This is considered a very good staff, by the way, in comparison to other communities throughout the State. There are many surrounding communities that touch Lexington that no way near touches that ratio.

Senator WILLIAMS. Where were you trained?

Mr. PACE. I received my master's degree from Boston University and additional training at Cornell.

Senator WILLIAMS. Anything further? Now, Miss Walker wonders Dr. Hoffmeyer, what are the individual expenses per child for your schools?

Senator WILLIAMS. Dr. Pratt, what is your—

Dr. PRATT. We have 230 children and last year it cost us \$6,800 a year for each child. This is \$6,800 a year. That included the expenses involved in training personnel. We and Smith College have a teacher education program and also for research activities in media work that we do in the school, too.

Dr. HOFFMEYER. Our cost is \$5,200.

Senator WILLIAMS. What are the sources of your funds?

Dr. PRATT. Well, we have an endowment of \$4.5 million and then the rest comes from tuition, and from income from endowment. And we have an active help program where we go after foundations to get support from them. And last year we brought in \$986,000 in one year from various sources, this includes building.

Senator WILLIAMS. You had no public sources at all?

Dr. PRATT. Just tuition, only tuition.

Mrs. ZIEGLER. Some States pay for it.

Dr. PRATT. Massachusetts paid \$5,000 last year, and the full cost per child was \$6,800, so we lost \$1,800 for each Massachusetts child we had.

Senator WILLIAMS. That additional comes from endowment income?

Dr. PRATT. And funds from development, income that we bring in from private sources. We were in the hole about \$186,000 last year.

Senator WILLIAMS. What do the students pay?

Dr. PRATT. This year \$6,000; last year was \$5,000. The figures I am quoting you—

Senator WILLIAMS. I have something mixed up here. The parents pay this?

Dr. PRATT. Yes. It depends on where they are from. Children from Massachusetts, Vermont, New Hampshire, Delaware, Pennsylvania, are paid for by the Department of Education of those various States. From the other States, and these are States usually which do not have State schools for the deaf, the parents have to pay it.

For instance, the child comes from Connecticut, then there are two schools for the deaf in Connecticut representing both sides of the methods business, so Connecticut feels as though they have fulfilled their obligation, they have provided educational program there. But if we have children with parents from Connecticut, they pay it, and we do have some.

Mr. PACE. Senator, just one comment. The \$113 per year that I mentioned earlier, half of that was paid by the State, so it cost the community \$56.50 per youngster per year for therapy service. That was a Massachusetts breakdown, that was for teaching each youngster in the State of Massachusetts.

Senator WILLIAMS. At this point I order printed all statements of those who could not attend and other pertinent material submitted for the record:

[The material referred to follows:]

THOMAS J. MESKILL
GOVERNOR



STATE OF CONNECTICUT
EXECUTIVE CHAMBERS
HARTFORD

April 25, 1973

The Honorable Harrison A. Williams, Jr.
United States Senate
Chairman, Committee on Labor and
Public Welfare
Washington, D. C. 20510

Dear Senator Williams:

Thank you for your letter of April 13th inviting me to testify at the regional hearing in Boston, Massachusetts, on May 7th.

I very much appreciate your extending this kind invitation to me. However, due to schedule conflicts it will be impossible for me to travel to Boston for this hearing.

I am very interested in the problems dealing with the education of all handicapped children, and, therefore, would like to know where I may submit written testimony concerning S. 6.

Again, thank you for your kind invitation.

With best wishes.

Sincerely,

GOVERNOR

TJM:ssmr

THOMAS J. MESKILL
GOVERNOR



STATE OF CONNECTICUT
EXECUTIVE CHAMBERS
HARTFORD

September 12, 1972

16 11 43 AM '72

The Honorable Harrison A. Williams, Jr.
Chairman, Senate Committee on Labor
and Public Welfare
Washington, D. C. 20510

Dear Senator Williams:

I appreciate very much your sending me a copy of S. 3614, a Bill to provide expanded federal assistance at three-quarters of the excess cost per child to the State and Local Education Agencies for the education of all handicapped children.

This is of considerable interest to me. Since 1969 the State of Connecticut has had legislation mandating the public schools to provide education for all children of the State. The State pays two-thirds of the excess costs expended in educating a handicapped child for each child that the school district serves. During 1972-73 the State will expend \$22,600,000 under the provisions of this law.

I appreciate hearing from you on this matter.

With best wishes,

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Meskill".

GOVERNOR

TJM:ssmr

Testimony

By New Hampshire Assistant Minority Leader Rep. Chris Spirou, d, Manchester, on United States Senate Bill 6, the "Education For All Handicapped Children Act" before the Senate Subcommittee on the Handicapped, Monday, May 7, 1973 at the Childrens Hospital in Boston, Massachusetts.

Mr. Chairman and Honorable members of the Subcommittee:

It is a pleasure for me to appear before this committee, today. I apologize for not having submitted my prepared testimony as you requested. The New Hampshire Legislature is in session and being one of the most understaffed legislatures in the nation it was impossible for me to submit written testimony.

Chairman Williams: I speak in support of Senate Bill 6. As sponsor and supporter of legislation relating to handicapped children in the current session of the New Hampshire legislature, I feel there is a definite need for federal support to aid our handicapped. I would like to discuss with you, today, what I believe to be the basic philosophy of Senate Bill 6.

Our forefathers in 1776 wrote in the Declaration of Independence, and I quote:

"We hold these truths to be self-evident that all men are created equal that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men....."

Chairman Williams: To the majority of ten generations of Americans these fundamental national rights have been the essence of their existence. And yet to many, "life, liberty and the pursuit of happiness" have been little more than an elusive dream.

My comments today are directed to one such group of Americans, the handicapped. Fifty percent of these persons are denied the special educational assistance they need. Some are denied entry to our public schools. Hundreds are committed to institutions and other programs where little more than physical sustenance is provided at costs far in excess of what education and rehabilitation would cost.

The personal anguish this situation brings to these persons and their families cannot be measured; only felt. The impact of this situation on all of us is that, without appropriate education many handicapped persons will be an economic responsibility to the state for the remainder of their lives, while as productive citizens they could contribute economically and socially to the benefit of the state.

Historically, the nature of the treatment provided to the handicapped has varied over time and in different societies. The Greeks of Sparta left their crippled to die on mountainsides, and in the early Roman Empire, persons who did not act in a normal manner were considered incompetent. Concurrently in China, blind persons were valued as soothsayers. We have managed to put them in closets. We have neglected and often forgotten their existence.

Providing public services for the handicapped youngster has never been a headline educational issue. The outcry from the relatively small group of parents of handicapped children and of trained specialists in the field, has not been enough to move legislators and local school boards to action. And there has been a persistent, though not carefully analyzed, belief that comprehensive programs for the handicapped would be prohibitively costly.

Chairman Williams: It is no secret that the lobby for improved services for the handicapped is ineffective in comparison to that for higher teacher salaries or even state aid for public schools. It is no secret that the

handicapped have been cut out of significant budgetary support in the past. The question today is not how many more handicapped children will be educated, but whether all handicapped children will be given equal protection of the laws and thus granted their right to the education they need.

Senate Bill 6 provides a comprehensive and fiscally responsible program to meet the needs of the handicapped in the United States. For all too long the education of the handicapped has been dependent upon various unrelated state and private agencies which in many cases are underfinanced and understaffed. This state of education of the handicapped has added to the misunderstanding of the handicapped in society. There has been little done to assess the effectiveness of new programs and theories in the education of the handicapped for the means of communication because a comprehensive national program is not available. What little communication of progressive programs in all areas of handicapped education is lost in the inadequacy of teaching-training programs and outdated facilities due to the general lack of funds. I believe Senate Bill 6 would begin to alliviate these problems.

I believe the most pressing policy change embraced in Senate Bill 6 is the making available of special education to the handicapped child at the age of 3 years instead of 5. This two year span is vitally important to the very impressionable, for while the normal child absorbs rapidly during that period, the handicapped child, deprived of remedial aid only lags further behind. It is the responsibility of special education to make the mild-moderate handicapped child function within normal limits before they start school. As Edwin Martin, Associate Commissioner of the United States Bureau of Education for Handicapped Children, said: "Ultimately we are concerned with what kind of jobs they get, with what

happens to the child, what kind of lives they lead." Without the funds provided by this legislation countless children will be deprived of education at the most critical stage in their educational development.

Chairman Williams: Although it is important that education of the handicapped must be in a constant assesment of its theories and programs, we must not allow educational regulations be so cumbersome that they create hardships on the agency which will administer this program. The reassessment and evaluation of a handicapped child must be flexible in order to create the best possible program for each child. Time and money spent in written evaluations could be used in the education of the handicapped child. I do believe that evaluation is an important part of any educational system, but the end product must not become an educational beaucracy where the goals of the program are lost in the creation of endless and unflexible evaluation systems.

Also, we must not forget that a continual teacher-training program is of outmost importance to the program. Often teaching disabilities are often diagnosed as learning disabilities. There must be a continuing communication of new methods in education in the field of teacher training. As Dr. William Cruickshank, international authority on hearing disability, has stated: "Only about 12 people in the United States know what the heck is going on in this area." Diagnostic training is desperately needed and we must compel our teachers to take courses in the understanding of the meaning of learning disabilities.

The essence of Senate Bill 6, I believe is simply this. Will we make a genuine effort to assist a minority of citizens who are not given equal opportunity for the "pursuit of happiness". Will we as parents and as lawmakers create and expand our institutions to meet the needs of modern society? I am reminded on this theme of the words of the French journalist,

Albert Camus: "Perhaps we cannot prevent this world from being a world in which children are tortured, but we can reduce the number of tortured children." If we do not help in this effort, who will?

New Hampshire is in need of 16 million dollars to establish a program for the education of handicapped children. Although the sum of \$800 per child is not oppressive, the state cannot at this time react with fiscal responsibility. And what do we say to the children who must suffer? I urge that your recommendations be on the merits of this bill and nothing more. Think of it not as a conservative bill or as a liberal bill, a Democratic or Republican Bill, just as a bill who's time has come.

Association For Mentally Ill Children



251 Massachusetts Avenue, Arlington, MA 02174
~~Arlington, MA 02174~~

~~617-261-2432~~

648-1813 Or 646-3318

A voluntary non-profit group devoted to improving the treatment, education, and rehabilitation of emotionally disturbed children.

My name is Barbara Cutler, of 7 Teresa Circle, Arlington, Mass..

I am immediate past president of AMIC (the Association for Mentally Ill Children in Mass.). AMIC is an organization working to see that the needs of mentally ill and emotionally disturbed children are met. AMIC is affiliated with the National Society for Autistic Children. I am here to express AMIC's full support of S. 6.

In addition to my activities in AMIC I am also a member of the Special Education Advisory Board*the STATE BOARD of EDUCATION, and so have some awareness and some access to information about programs and plans for special education in this state.

Most of all I am the parent of an adolescent boy who has experienced language and behaviors disorders since early childhood. I have known too many times what it is like to seek education for my child and find inadequate and inappropriate placements often at some distance from home, or worse, nothing. Other parents over the years have shared their experiences with me. The lucky few have been able to find help and appropriate education; their children will lead lives of some independence and dignity. Others of us still struggle for services; the future of our children is uncertain. Still others, the most pathetic, have been forced by lack of services to place their children in the state schools for the retarded where they have been forgotten by all.

We support the intent of this bill to serve all handicapped children. For too long on the state and federal level we have operated by supplying categorical aid for our children. Many of our most seriously disturbed children have been labeled mentally ill, autistic, schizophrenic, retarded and even "something else". Without the emphatic "all handicapped children" these most seriously disturbed children will still go unserved.

For some of our children education may be the only help out of a disordered world. For all it is the major way to a decent life. Teachers trained to work with special children and supported with the necessary services, can make the difference between living in the community and being left in the back wards. In this state we have a surplus of special education teachers that we have encouraged to go into this field. We also have the children without education. Public schools can pick up the slack if we infuse more money into the system. My own boy, when all else failed, was saved by a trained and talented teacher.

B., 17 years old, was not accepted by state funded private schools

Affiliated with the National Society for Autistic Children

and was given but an hour's tutoring a day for several years until his mother with no other help in sight was forced to place him in a state school where he lives today, seven years later. He does not read or write. He is unable to live in the community unless some good educational services are given him.

J., 15 years old, has had several years of education including his last short term placement in a residential program. When he returned to his family from that program there was no education for him. When a private school with a federal grant was found to accept him, there was no money to transport him. His family, overburdened by both poverty and living with a severely disordered boy, then suffered the loss of the despairing father through suicide. J. is now living at the state school with little hope for the future.

L. is being allowed to attend a Department of Mental Health nursery program for retarded children. He is lucky to be there although his diagnosis is infantile autism. He has no speech at age seven and no one is helping him to learn how to speak or communicate. He is also hyperactive. The two or three hours he is in the nursery school are a very small part of his day. Frequently he is awake much of the night. He needs more education than he is getting, to prevent his ending up like B. and J..

There are several nursery schools for emotionally disturbed children in Mass. but they are too expensive for parents with limited means. Even for parents who can pay the freight there are often no places especially for the most handicapped children.

I have other such stories that I would be willing to share with you if you are interested.

Some will say that these are very handicapped children I speak of. Can they possibly be educated in the public school system or anywhere else for that matter? The answer is "yes they can be". They can and they are. There are a few programs, and they are working in Lawrence, Hingham, Arlington and Worcester. These are educational programs started and supported by the local educational agencies. Speaking to the needs of greater numbers of substantially handicapped children I would like to add that a high school program for the deaf is being planned and implemented with the full approval of the Special Education Advisory Committee. LEAs are submitting proposals for federal funds to initiate programs to integrate blind and physically handicapped children into regular school. These necessary plans and projects require substantial funds to serve our special children. We support the intent of this bill to provide funds to local and state agencies so that they may develop basic services for all handicapped children. We must of beyond the funding for innovative programming. When we know we have a good program we should expand it.

Last year at this time many of us were working to pass the Bartlev-Daly bill which provides for the education of all children with special needs. There was some opposition from certain private schools which had greater concern for their vested interest than for the thousands of underserved children in the Commonwealth. We know from the programs mentioned above that public schools can serve many children. There are many children in need, more than enough to go around for both private and public schools. Perhaps some schools were afraid that with development of public school programs they would be expected to take those very

handicapped children whom they presently turn away. It is a seller's market with the present system.

There will be objections raised about parent access to records. Parents and children who are able have a right to view records in their own interest. As an educator I have worked in 2 programs for severely disordered children and I have seen records which casually label parents as schizophrenic or psychotic. Sometimes parents get these labels because they have the temerity to question the opinion of certain professionals. I can tell you of two such parents who are leading quietly heroic lives trying to help their handicapped children, which children on a 24 hour basis would try the patience, strength and sanity of any professional. People should be very careful what they put in records. If nothing else parental perusal will encourage those professionals who need to be more discriminating in their choice of terms to watch their language.

Under due process must come the issue of informed consent. Can parents legally release records containing information to which they have no access? Might it be not in the best interest of a child to sign releases to records without knowledge of their content?

With respect to the advisory panels I urge that a majority of parents serve on these panels. A token parent or two is often intimidated by professionals. Parents need the support of parents as well as sympathetic professionals.

In Section 6, paragraph 5 I hope that a line can be added requiring that the child's handicap be taken into consideration in selection of tests for evaluations. Often children with language disabilities are given highly verbal tests. It is discriminating against handicapped children to not take into account their disabilities when preparing to test them.

This bill offers us great hope for expanded services. Heretofore with our state's limited funding parents have competed with other parents for limited number of places for their children. Middle class parents have more "luck" in finding programs although even they are not always successful. In poor communities our seriously disordered children are often not evaluated. The severe are labelled MR and the moderate are considered delinquent. Presently I am working with three children from the inner city (age 11, 13, 15) who have been neither adequately diagnosed nor ever in an educational program.

S. 6 will enable states to provide our children with the special education which is their right. We give our full support to this bill and urge the members of Congress to pass this important and humane piece of legislation.

TESTIMONY OF DAVID S. LIEBERMAN, DIRECTOR OF THE OFFICE FOR CHILDREN, COMMONWEALTH
OF MASSACHUSETTS, BOSTON, MASSACHUSETTS

MAY 7, 1973

On behalf of Governor Sargent and myself, I would like first to express my appreciation for the opportunity to speak with you about the needs of handicapped children in Massachusetts, and especially for your interest in hearing testimony from the parents, agencies, and communities represented here today.

I am the Director of the Office for Children, a state office created just last year to coordinate public and private services for Massachusetts children through age 17. The first of its kind in the country, the Office for Children is a response to the need for a strong, state-level advocate for children and for the development of a coordinated system of children's services. Our responsibilities also include licensing day care, group care, and foster care and adoption placement agencies; purchasing from private agencies community-based services for children with special needs; and facilitating the development of day care programs by both public and private agencies.

Central to all the activities of the Office for Children are local Councils for Children, composed of both parents and providers of children's services. These Councils, which make assessments of needs and priorities on the community level and whose recommendations form the basis of the policies of the Office for Children, are giving the Office a unique strength and perspective for planning, advocating and developing children's services.

One message clearly spoken by Councils from all parts of the state is hardly unique to Massachusetts, however. The message is that large numbers of children have special medical, educational and developmental needs which are not being met. Some of these children are mentally retarded; others are crippled, handicapped in speech, sight or hearing; still others are emotionally disturbed or have learning disabilities.

Estimates for Massachusetts have revealed that between 40 and 60 per cent of these children are not receiving the services they need. This situation -- and it is a tragic situation -- is attributable to causes ranging from too little administrative coordination to a sheer scarcity of resources and funds.

Last year, however, Massachusetts witnessed a major development which indicated brighter prospects for children with special needs. The state legislature with laudable foresight passed a special education bill, best known as the "Bartley-Daly Bill", which guarantees an education for every child with special needs. This far-sighted legislation, which will take effect in September, 1974, ensures handicapped youngsters the education to which they are entitled. Equally important, the act guarantees that they will receive the educational and developmental services they need as do their peers -- in their communities and in the public school system.

Despite this strong commitment to special education, Massachusetts has a long way to go before it can boast a system that serves all its children. In May, 1973, sixteen months before it becomes effective, the Bartley-Daly legislation is only a promise. There are more than 100,000 school-age children with special needs in Massachusetts. Given the challenge this figure represents to us, the states -- even the states that pass progressive legislation -- cannot go it alone. There is no question that federal leadership and resources in this effort are essential.

The Education for All Handicapped Children Act of 1973 is a federal counterpart to the Bartley-Daly bill. This kind of legislation begins to fulfill the government's responsibility for ensuring that all our children have an equal opportunity to develop. This legislation is especially significant because of the importance it assigns to a number of points essential to the welfare of the children it serves. First, the bill would safeguard the rights of handicapped children and protect the right of parents to appeal decisions made about their children. Secondly, the insistence upon a development and service plan for each

child would help ensure that the system continue to meet the child's need as he or she develops. Finally, the bill is commendable because of the importance it gives to returning institutionalized children to their communities -- an effort which is of high priority here in Massachusetts.

This legislation would provide \$37 million for the education of children with special needs in Massachusetts. This state needs this money badly. Senator Williams and the other Congressmen who authored the bill have recognized that it represents an important investment in our children.

In closing, I would like to leave the committee one example illustrating the need for increased federal support for our handicapped children.

Massachusetts administers three pre-school programs for 100 physically handicapped children. They are good programs. They are relatively new. They depend to a great degree on federal funding now available to Massachusetts under Title I of the Elementary and Secondary Education Act. These programs, which have been invaluable to the children participating in them, serve only 10 per cent of the pre-school children who need this kind of special education.

We recently learned that federal funding for these programs will stop on June 30. Such cuts in categorical programs which have provided assistance to children with special needs, say, unless the state picks up the cost, spell the end of even the few programs we have for handicapped pre-school children.

If these and other children left outside the so-called "opportunity mainstream" are to ever become members of our communities and our society, if we are to have a real hope of emptying our institutions now filled with adults who were once "handicapped children" -- then we must have your commitment and support now.

I urge you to continue your efforts toward this goal, and offer my fullest support.

T. STIMONY OF DR. JOS. P. RICE AS DEPUTY COMMISSIONER FOR
SPECIAL EDUCATION FOR THE COMMONWEALTH OF MASSACHUSETTS TO
THE SUBCOMMITTEE ON THE HANDICAPPED OF THE COMMITTEE ON
LABOR AND PUBLIC WELFARE

Given at Children's Hospital, Boston on May 7, 1973.

Dr. Joseph P. Rice in his office as Associate Commissioner for Special Education of the Commonwealth of Massachusetts and representing Dr. Gregory Amig, Commissioner of Education and Dr. Joseph Cronin, Secretary of Educational Affairs, supports Senate Bill Six (6) of the first session of the Ninety-third Congress, The Education for All the Handicapped Act.

This Bill, reflective of more recent court decisions concerning the education of the handicapped, affirms a free public school education as requisite to need to be a right of this segment of the population. It parallels Chapter 766 of the Acts of 1972 of the General Court of the Commonwealth of Massachusetts in many respects: the requirement that all children in need of services be located and the agencies responsible for their schooling be clearly defined; the mandate that an individualized written educational plan be developed for each handicapped child, and that due process procedures protect the parents or guardian in any determination of an educational placement; in its extension of services from age three to twenty-one; in its restriction of dependence solely upon culturally biased tests; and in its mandate for a state advisory

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council with parent and professional representation. It is praiseworthy in going beyond the state law in requiring a state plan and a review of any procedures involving the institutionalization of children.

The most notable and salient parallel to the Massachusetts legislation is in its excess cost formula for payment as it relates to the right of the handicapped child to a public school education. The burden which this right to special services for a minority of the school-age population places upon the local tax base is sufficient to discriminate against them when it comes to the actual provision of these services. In order to encourage their development and availability on an equal basis it is necessary to affirm the obligation to the expenditure of only average per capita costs to the local education agency and to refer the excess cost of special services to a broader tax base. In Massachusetts these costs will be referred to the General Fund of the state, largely supported by the sales tax. In order to encourage the development of broad based publicly supported services an analogous federal program is essential.

The federal legislation for the handicapped of the sixties helped define our problems, the nature and needs of the disabled populations, the dangers of segregated pre-grading, and established viable models for the provision

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of educational services. Sufficient numbers of professionals were trained so that we can now begin to consider providing appropriate educational services to the handicapped on a universal basis. Senate Six will have the effect of subsidizing on an excess cost basis the expensive building years of universal public school education for the handicapped, leaving the job of ongoing support for the new programs to the local and state agencies once the services are set in place. It is a natural component to revenue sharing legislation, protecting the investment in past programs and the rights of a minority.

Massachusetts is prepared to take full advantage of this legislation, if passed. Senate Six would make a reality, sooner than we might otherwise reasonably anticipate, needed services now on the planning board for which we have already legislated ongoing maintenance support. Among these would be regional centers for assessment, child development centers for the multiply handicapped, programs for early identification and disability prevention, parent counseling programs, a computer based census and registry of children with special needs, pre-vocational, vocational, and sheltered workshop programs for the handicapped, supportive programs for children in regular classes to prevent school failure due to learning disabilities, consultative services for the public schools

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through the offices of the Department of Education, and the establishment of a community related school system for children who require residential care.

At this point in time Senate Six presents the best model for legislation furthering services to the handicapped.

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Chapter 766.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-two

AN ACT

FURTHER REGULATING PROGRAMS FOR CHILDREN REQUIRING SPECIAL
EDUCATION AND PROVIDING REIMBURSEMENT THEREFOR.

Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:

SECTION 1. The General Court finds that past development of special education programs has resulted in a great variation of services to children with special needs with some children having a greater educational opportunity than others in less favored categories or environments. The General Court further finds that past methods of labeling and defining the needs of children have had a stigmatizing effect and have caused special education programs to be overly narrow and rigid, both in their content and their inclusion and exclusion policies.

In the light of the policy of the commonwealth to provide an adequate, publicly supported education to every child resident therein, it is the purpose of this act to provide for a flexible and uniform system of special education program opportunities for all children requiring special education; to provide a flexible and non-discriminatory system for identifying and evaluating the individual needs of children requiring special education; requiring evaluation of the needs of the child and adequacy of the special education program before placement and periodic evaluation of the benefit of the program to the child and the nature of the child's needs thereafter; and to prevent denial of equal educational opportunity on the basis of national origin, sex, economic status, race, religion, and physical or mental handicap in the provision of differential education services.

This act is designed to remedy past inadequacies and inequities by defining the needs of children requiring special education in a broad and flexible manner, leaving it to state agencies to provide more detailed definitions which recognize that such children have a variety of characteristics and needs, all of which must be considered if the educational potential of each child is to be realized; by providing the opportunity for a full range of special education programs for children requiring special education; by requiring that a program which holds

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out the promise of being special actually benefits children assigned thereto; and by replacing the present inadequate and anti-equalizing formula for distribution of state aid for special education programs with an equalizing one which encourages cities, towns and regional school districts to develop adequate special education programs within a reasonable period of time.

Recognizing that professional services and resources must be made available to cities, towns and regional school districts on a regional basis if this act is to be implemented successfully, and within a reasonable period of time, this act strengthens and regionalizes the division of special education in the department of education and provides for and urges meaningful cooperation among agencies concerned with children with special needs.

Recognizing, finally, that present inadequacies and inequities in the provision of special education services to children with special needs have resulted largely from a lack of significant parent and lay involvement in overseeing, evaluating and operating special education programs, this act is designed to build such involvement through the creation of regional and state advisory committees with significant powers and by specifying an accountable procedure for evaluating each child's special needs thoroughly before placement in a program and periodically thereafter.

SECTION 2. Chapter 15 of the General Laws is hereby amended by adding after section 1L the following five sections:-

Section 1M. The powers and duties of the division of special education, established by section one F, shall include the following: (1) to regulate, consult with and assist school committees in the identification, classification, referral and placement of children requiring special education; (2) to regulate all aspects of, and assist with, the development of all special education programs supported in whole or in part by the commonwealth; (3) to coordinate the expertise of professionals from appropriate disciplines, both within and outside of the department and to be the coordinating agency for all state agencies providing educational assessment services and educational services to children requiring special education; (4) to compile data on, and to require all public schools and agencies and any private schools or agencies receiving any funds from the commonwealth to provide information relating to, all children requiring special education who reside in the commonwealth and on all available special education programs supported in whole or in part by the commonwealth; (5) to periodically review and analyze said data in order to evaluate said programs and to disseminate statistical

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data to any citizen or agency within the commonwealth upon request; provided, however, that records pertaining to individuals shall be kept confidential; (6) to develop public information programs regarding the nature and extent of special educational needs of children residing in the commonwealth and the availability of special education programs to meet those needs; (7) to develop and recommend to the board of education certification standards for educational personnel employed in special education programs and regulations to encourage greater use of auxiliary personnel; (8) to cooperate with and assist public and private colleges and universities within the commonwealth in developing courses and programs best designed to prepare graduates to serve the educational requirements of children requiring special education; (9) to receive and investigate complaints and to conduct public and executive hearings with power of subpoena on behalf of an individual child or group of children receiving or requiring special education regarding any aspect of any special education program and to initiate its own investigation without a complaint; (10) to receive and allocate federal and state funds for programs for children requiring special education, subject to the priorities established by this section and chapter seventy-one B and such other additional priorities as may be established pursuant to section one F by the board of education; (11) to recommend to the board of education such rules, regulations and guidelines and to issue such directives as are necessary to carry out the purposes of sections one H to one Q, inclusive, and to execute other provisions of law relative to the administration of educational programs for children requiring or receiving special education; (12) to provide for the maximum practicable involvement of parents of children in special education programs in the planning, development, and evaluation of special education programs in the districts serving their children; (13) to approve the purchase, lease and maintenance of all special equipment for the instruction outside of the classroom of handicapped children for whom attendance in public school is not feasible and to regulate the conditions under which such a child may be considered as handicapped; (14) to investigate into and hold hearings upon prima facie denials of equal educational opportunities by reason of national origin, sex, economic status, race, religion, or physical or mental handicap of school aged children requiring special education as defined in section one of said chapter seventy-one B and thereafter issue such declaratory and injunctive orders as may be necessary to cure any actual denials of equal educational opportunities by reason of national origin, sex, economic status, race, religion,

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and physical or mental handicap of school aged children requiring special education; (15) to require public or private schools and educational agencies receiving any funds from the commonwealth to establish cost accounting and reporting procedures, forms, schedules, rates and audits in conformity with department standards; and to make reports to the department at such times, in such fashion and on such forms as the department may require; (16) to conduct or contract with any federal, state or private agency for the conduct of research and development projects designed to improve the quality of special education programs or increase the efficiency of such programs; (17) in the event of funding shortages, to allocate resources proportionately; (18) to provide for placement of children requiring special education into public schools or agency programs near their place of residence and to allow other placements in the event that suitable public programs or services can not be provided; (19) to take all steps, including but not limited to public hearings and investigations necessary to insure that state and local expenditures for special education provide the maximum feasible benefit to every child receiving or requiring special education; (20) to develop and recommend any appropriate parent or guardian counseling or educational programs which are deemed necessary for the educational development of a child with special needs; (21) to recommend to the board that it withhold funds for special education programs from cities, towns or school districts, private schools or agencies which do not comply with regulations or statutes related to special education programs or do not carry out plans for such compliance within a reasonable period of time provided; however, that nothing contained in this clause shall be construed to prevent the board from withholding state and federal funds to the extent it deems necessary as provided in section one C.

Section 1M. There shall be in the division of special education a sufficient number of bureaus to enable it to carry out its powers and duties under section one M, and the board of education, upon the recommendation of the commissioner of education and the associate commissioner for special education, shall appoint a director with experience in the education of children with special needs for each bureau. One bureau shall be responsible for holding hearings and conducting investigations pursuant to clauses (8), (13) and (18) of section one M, section one P and section three of chapter seventy-one B.

Section 1 O. There shall be established in each of the department of

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education regional offices a regional branch of the division of special education. Each regional branch shall be headed by a director with experience in the education of children with special needs and who shall be appointed by the board of education upon the recommendations of the commissioner of education and the associate commissioner for special education. Said regional branch shall have the following functions: (1) to consult with and assist school committees in implementing the regulations, guidelines and directives of the department in the area of special education; (2) to directly assist school committees in identify, diagnosing and evaluating children with special needs and in developing special education programs to meet their individual educational needs; (3) to approve all special education placements by school committees of children with special needs; (4) to assist and encourage the formation of joint agreements between two or more school committees for the provision of special education pursuant to section four of chapter seventy-one B; (5) to investigate and evaluate any special education program at the request of the department or on its own initiative; (6) to maintain a list and inform school committees of professional personnel within and without the region qualified to assess children with special needs pursuant to the provisions of section three of said chapter seventy-one B and to make such information available upon request to parents, guardians or persons with custody of such children; (7) to have such other responsibilities as may be delegated to it by the department.

Section 1P. There shall be established in each region a special education advisory council, hereinafter called the advisory council, consisting of at least sixteen members, appointed by the department in consultation with the director of said regional branch. At least eight of the members of an advisory council shall be parents who reside in the region, and whose children are enrolled in a special education program; provided, however, that no more than two parents on each such advisory council shall be parents of children who are not in public school day programs.

Each member shall be appointed for a term of three years. No member may be appointed for more than two consecutive terms. Each advisory council shall advise the regional branch regarding all aspects of special education programs within the region and shall submit a written report annually on the quality and adequacy of such programs to the state advisory commission established under section one Q. In addition to its other powers and duties, the advisory council shall hear and transmit to said state advisory commission, complaints and

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suggestions of persons interested in special education in the region. Members of each advisory council shall be granted access to special education programs and to information about such programs, subject to restrictions established by the board of education regarding confidentiality, and shall be assisted in carrying out their duties by the regional branch of the division of special education. Members of the advisory councils shall be reimbursed by the commonwealth for expenses necessarily incurred in the performance of their duties.

Section 19. There shall be established in the department a state advisory commission for special education, hereinafter called the commission.

Each special education advisory council established pursuant to section one P shall elect two representatives to the commission, at least one of whom shall be a parent or guardian whose child is receiving special education.

The commissioners of the departments of mental health, public health and public welfare shall each appoint a representative to serve as ex officio members of the commission. Members of the commission shall be reimbursed for expenses which are necessarily incurred in the performance of their duties. The commission shall annually submit a report to the department evaluating the quality and adequacy of special education programs in the commonwealth and recommending improvements in those programs. The department shall implement the recommendations of the commission or shall state in a written reply to said commission the reasons why such recommendations can not or should not be implemented. In such circumstances, the bureau responsible for hearing complaints and conducting investigations in the division of special education pursuant to section one H shall attempt to resolve the disagreement informally; provided, however, if a settlement cannot be reached the state board of education shall conduct public hearings to investigate the basis for the disagreement and resolve any dispute between the department and the commission.

SECTION 3. The second sentence of section 35 of chapter 41 of the General Laws, as appearing in section 2 of chapter 143 of the acts of 1937, is hereby amended by inserting after the word "officers", in line 3, the following words: " ; provided, however, reimbursements made to a city or town under section thirteen of chapter seventy-one B shall be made to the school committees of such cities and towns and shall be used for special education programs pursuant to said chapter seventy-one B without further appropriation.

SECTION 4. Section 53 of chapter 44 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: " All moneys received by any city, town or district officer or department, except as otherwise provided by section thirteen of chapter seventy-

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one B and by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury.

SECTION 5. Subsection (b) of section 18A of chapter 38 of the General Laws is hereby amended by striking out paragraph (3), as most recently amended by section 3 of chapter 1005 of the acts of 1971, and inserting in place thereof the following paragraph:-

(3) On or before November twentieth, the reimbursement for the special education programs required to be paid by the commonwealth under chapters seventy-one A and seventy-one B.

SECTION 6. The third sentence of the second paragraph of section 7C of chapter 69 of the General Laws, as appearing in section 2 of chapter 403 of the acts of 1960, is hereby amended by striking out the words "of the mentally retarded", in line 5.

SECTION 7. The third sentence of the second paragraph of section 7D of said chapter 69, as appearing in chapter 702 of the acts of 1963, is hereby amended by striking out the words "of the mentally retarded", in line 4.

SECTION 8. Sections twenty-six to twenty-nine E, inclusive, and sections thirty-two to thirty-four, inclusive, of said chapter sixty-nine are hereby repealed.

SECTION 9. Paragraph (c) of section 2 of chapter 70 of the General Laws, as most recently amended by section 6 of chapter 871 of the acts of 1970, is hereby further amended by striking out the words, "for special classes for the physically handicapped and the mentally retarded", in lines 4 and 5.

SECTION 10. Sections forty-six to forty-six B, inclusive, sections forty-six B to forty-six F, inclusive, and sections forty-six H to forty-six H, inclusive, of chapter seventy-one of the General Laws are hereby repealed.

SECTION 11. The General Laws is hereby amended by inserting after chapter 71A the following chapter:-

CHAPTER 71B

CHILDREN WITH SPECIAL NEEDS

Section 1. The following words as used in this chapter shall, unless the context requires otherwise, have the following meanings: "Department", the department of education; "School age child", any person of ages three through twenty-one who has not attained a high school diploma or its equivalent; "School age child with special needs", a school age child who, because of temporary or more permanent adjustment difficulties or attributes arising from

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intellectual, sensory, emotional, or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning disabilities or any combination thereof, is unable to progress effectively in a regular school program and requires special classes, instruction periods, or other special education services in order to successfully develop his individual educational potential; "Regular education", the school program and pupil assignment which normally leads to college preparatory or technical education or to a career; "Special education", educational programs and assignments, namely special classes, programs or services designed to develop the educational potential of children with special needs including but not limited to educational placements of children by school committees, the departments of public health, mental health, and youth services and the division of family and children's services in accordance with the regulations of the department of education; "School age child requiring special education", any child with special needs who requires special education as determined in accordance with the regulations set forth by the department.

Section 2. The department shall promulgate, in cooperation with the departments of mental health, public health and welfare, regulations regarding programs for children with special needs including but not limited to a definition of special needs; provided, however, that such definition shall emphasize a thorough narrative description of each child's developmental potential so as to minimize the possibility of stigmatization and to assure the maximum possible development of a child with special needs, and, provided further, that such definition shall be sufficiently flexible to include children with multiple special needs. Children receiving or requiring special education shall be entitled to participate in any of the following programs: (1) additional direct or indirect instruction consultation service, materials, equipment or aid provided children or their regular classroom teachers which directly benefits children requiring special education; (2) supplementary individual or small group instruction or treatment in conjunction with a regular classroom program; (3) integrated programs in which children are assigned to special resource classrooms but attend regular classes to the extent that they are able to function therein; (4) full-time special class teaching or treatment in a public school building; (5) teaching or treatment at home; (6) full-time teaching or treatment in a special day school or other day facility; (7) teaching or treatment at a hospital; (8) teaching or treatment at a short or long term residential school (9) occupational and pre-occupational training in conjunction with the regular occupational

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training program in a public school; (10) occupational and pre-occupational training in conjunction with full-time special class teaching in a public school building, at home, special day school or other day facility, hospital, or short or long-term residential school; (11) any combination or modification of programs (1) through (10) or other programs, services, treatments or experimental provisions which obtain the prior approval of the department.

Admission to such programs on the pre-school level at an earlier age than at which schooling is ordinarily provided shall be regulated by the department in conjunction with the departments of public health and mental health and shall be restricted to children with substantial disabilities who are judged by said departments to require such programming.

No child shall be assigned to a special education class unless it is first determined by an evaluation of the child's needs and the particular special education program that the child is likely to benefit from such program; periodically thereafter, and in no event less often than annually the child and his program shall be reevaluated to determine whether said child is benefiting from said program in accordance with the procedures set forth in section three. In the event that said program is not benefiting the child and that another program may benefit the child more, or said program has benefited the child sufficiently to permit re-assignment, the child shall be reassigned, and in the event of consistent failure of a program to benefit children there assigned, the program shall be abolished or altered.

Section 3. In accordance with the regulations, guidelines and directives of the department issued jointly with the departments of mental health and public health and with assistance of the department, the school committee of every city, town or school district shall identify the school age children residing therein who have special needs, diagnose and evaluate the needs of such children, propose a special education program to meet those needs, provide or arrange for the provision of such special education program, maintain a record of such identification, diagnosis, proposal and program actually provided and make such reports as the department may require. Until proven otherwise, every child shall be presumed to be appropriately assigned to a regular education program and presumed not to be a school age child with special needs or a school age child requiring special education.

No school committee shall refuse a school age child with special needs admission to or continued attendance in public school without the prior written

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approval of the department. No child who is so refused shall be denied an alternative form of education approved by the department, as provided for in section ten, through a tutoring program at home, through enrollment in an institution operated by a state agency or through any other program which is approved for the child by the department.

No child shall be placed in a special education program without prior consultation, evaluation, reevaluation, and consent as set forth and implemented by regulations promulgated by the department.

Within five days after the referral of a child enrolled in a regular education program by a school official, parent or guardian, judicial officer, social worker, family physician, or person having custody of the child for purposes of determining whether such child requires special education, the school committee shall notify the parents or guardians of such child in writing in the primary language of the home of such referral, the evaluation procedure to be followed, and the child's right to an independent evaluation at clinics or facilities approved by the department under regulations adopted jointly by the department and the departments of mental health and public health and the right to appeal from any evaluation, first to the department, and then to the courts.

Within thirty days after said notification the school committee shall provide an evaluation as hereinafter defined. Said evaluation shall include an assessment of the child's current educational status by a representative of the local school department, an assessment by a classroom teacher who has dealt with the child in the classroom, a complete medical assessment by a physician, an assessment by a psychologist, an assessment by a nurse, social worker, or a guidance or adjustment counselor of the general home situation and pertinent family history factors; and assessments by such specialists as may be required in accordance with the diagnosis including when necessary, but not limited to an assessment by a neurologist, an audiologist, an ophthalmologist, a specialist competent in speech, language and perceptual factors and a psychiatrist.

The department jointly with the departments of mental health and public health shall issue regulations to specify qualifications for persons assessing said child.

These departments through their joint regulations may define circumstances under which the requirement of any or all of these assessments may be waived so long as an evaluation appropriate to the needs of the child is provided.

Those persons assessing said child shall maintain a complete and specific

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record of diagnostic procedures attempted and their results, the conclusions reached, the suggested courses of special education and medical treatment best suited to the child's needs, and the specific benefits expected from such action. A suggested special education program may include family guidance or counseling services. When the suggested course of study is other than regular education those persons assessing said child shall present a method of monitoring the benefits of such special education and conditions that would indicate that the child should return to regular classes, and a comparison of expected outcomes in regular class placement.

If a child with special needs requires of a medical or psychological treatment as part of a special education program provided pursuant to this section, or if his parent or guardian requires social services related to the child's special needs, such treatment or services, or both, shall be made available, in accordance with regulations promulgated jointly by the departments of education, mental health, public health and public welfare in connection with the child's special education program. Reimbursement of the costs of such treatment or services or both shall be made according to the provisions of section thirteen.

Upon completion of said evaluation the child may obtain an independent evaluation from child evaluation clinics or facilities approved by the department jointly with the departments of mental health and public health or, at private expense; from any specialists.

The written record and clinical history from both the evaluation provided by the school committee and any independent evaluation, shall be made available to the parents, guardians or persons with custody of the child. Separate instructions, limited to the information required for adequate care of the child, shall be distributed only to those persons directly concerned with the care of the child. Otherwise said records shall be confidential.

The department may hold hearings regarding said evaluation, said hearings to be held in accordance with the provisions of chapter thirty A. The parents, guardians, or persons with custody may refuse the education program suggested by the initial evaluation and request said hearing by the department into the evaluation of the child and the appropriate education program. At the conclusion of said hearing, with the advice and consultation of appropriate advisory councils established under section one F of chapter fifteen, the department may recommend alternative educational placements to the parents, guardians or persons with custody, and said parents, guardians and persons with custody may either consent to or reject

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such proposals. If rejected, and the program desired by the parents, guardian or person with custody is a regular education program, the department and the local school committee shall provide the child with the educational program chosen by the parent, guardian or persons with custody except where such placement would seriously endanger the health or safety of the child or substantially disrupt the program for other students. In such circumstances the local school committee may proceed to the superior court with jurisdiction over the residence of the child to make such showing. Said court upon such showing shall be authorized to place the child in an appropriate education program.

If the parents, guardians or persons with custody reject the educational placements recommended by the department and desire a program other than a regular education program, the matter shall be referred to the state advisory commission on special education to be heard at its next meeting. The commission shall make a determination within thirty days of said meeting regarding the placement of the child. If the parents, guardians or person with custody reject this determination, they may proceed to the superior court with jurisdiction over the residence of the child and said court shall be authorized to order the placement of the child in an appropriate education program.

During the course of the evaluations, assessments, or hearings provided for above, a child shall be placed in a regular education program unless such placement endangers the health or safety of the child or substantially disrupts such education program for other children.

No parent or guardian of any child placed in a special education program shall be required to perform duties not required of a parent or guardian of a child in a regular school program.

Within ten months after placement of any child in a special education program, and at least annually thereafter the child's educational progress shall be evaluated as set forth above. If such evaluation suggests that the initial evaluation was in error or that a different program or medical treatment would now benefit the child more, appropriate reassignment or alteration in treatment shall be recommended to the parents, guardians or persons having custody of the child. If the evaluation of the special education program shows that said program does not benefit the child to the maximum extent feasible, then such child shall be reassigned.

Evaluations and assessments of children and special education programs shall remain confidential and be used solely for the administration of special education

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in the commonwealth, including, but not limited to, inspection by the department and regional and state advisory councils to insure that every special education program does benefit the children there assigned.

Section 4. The school committee of any city, town or school district may, to meet its obligations under section three, with the approval of the department enter into an agreement with any other school committee to jointly provide special education or, subject to the consent of the parent or guardian affected thereby and subject to constitutional limitations, may enter into an agreement with any public or private school, agency, or institution to provide the necessary special education within the city, town or school district.

In the case of an agreement between school committees to jointly provide special education, said agreement shall designate one city, town or school district as the operating agent. Funds received by such operating agent from other cities, towns or school districts or appropriated by such operating agent for the purposes of such agreement, in addition to gifts and grants shall be deposited with and held as a separate account by its treasurer. The school committee may apply said funds to the costs of programs operated pursuant to the agreement without further appropriation.

Section 5. Any school committee which provides or arranges for the provision of special education pursuant to the provisions of section three shall pay for such special education personnel, materials and equipment, tuition, room and board, transportation, rent and consultant services as are necessary for the provision of such special education.

A school committee which incurs costs or obligations as a result of section five of chapter one hundred and seventy-one B of the General Laws, inserted by section eleven of this act, shall include within its budget for its fiscal year which includes September first, nineteen hundred and seventy-three, and annually thereafter, an amount of money to comply with the provisions of said chapter. Said amount shall be added to the annual budget appropriation for school purposes in each city or town and shall be a portion of the amount necessary in such city or town for the support of public schools for the purposes of, and enforceable pursuant to, section thirty-four of chapter seventy-one, notwithstanding any general or special laws or charter provisions which limit the amount of money that may be appropriated in any city or town for school purposes.

Section 6. School committees shall annually report to the department, pursuant to regulations promulgated by the department, the assignment by sex,

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national origin, economic status, race and religion, of children by age level to special education classes and the distribution of children residing in the district by sex, national origin, economic status, race and religion of children by age level. Within any school district if in any special education program there is a pattern of assignment throughout the district on the basis of sex, national origin, economic status, race or religion of the students which is substantially disproportionate from the distribution, the department shall notify such school district of its prima facie denial of equal educational opportunities. The department shall hold public hearings to investigate into such prima facie denial, at which hearings the local school district must show that such disproportion is necessary to promote a compelling education interest of the children affected and of the commonwealth. If the local school district fails to make such showing, a denial of equal educational opportunities shall be declared by the department and it shall order said district to submit a plan to eliminate such denial to be effective for the school year immediately following such declaration and order. If in the view of the department the plan submitted is inadequate, or if implementation of said plan proves inadequate, the department may request the attorney general to proceed to the superior court for all necessary injunctive and other relief. If such prima facie denial has continued without elimination for a period of two consecutive years in any school district, any person residing in such school district may bring suit in the superior court of his residence to determine whether there is such adequate justification for the prima facie denial, and in the event there is not, to obtain the necessary and appropriate injunctive or other relief.

Section 7. No results of standardized or local tests of ability, aptitude, attitude, affect, achievement, or aspiration may be used exclusively in the selection of children for referral, diagnosis, or evaluation. Such tests must be approved by the department in accordance with regulations issued by the board to insure that they are as free as possible from cultural and linguistic bias or, wherever necessary, separately evaluated with reference to the linguistic and cultural groups to which the child belongs.

Section 8. If a school age child with special needs attends a school approved by the department within or without the city or town of residence of the parent or guardian, the school committee of the town where the child resides may be required by the department to provide transportation once each day including weekends where applicable to and from such school while the child is

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in attendance. The city or town providing transportation under this section shall be reimbursed according to the provisions of section thirteen.

Section 9. The department, after consultation with the departments of mental health and public health, shall define the circumstances in which school committees may be required to provide special classes, instruction periods or other special education programs for school age children with special needs and shall provide standards for class size, curriculum, personnel and other aspects of special education for such children.

Section 10. The department may, on an annual renewal basis, upon the request of the parents or guardians and the recommendations of a local school committee and a regional branch of the division of special education, and with the approval of the secretary of educational affairs refer children requiring special education to any institution within or without the commonwealth which offers curriculum, instruction and facilities which are appropriate to the child's needs and which are approved by the department under regulations prescribed by the departments of education, mental health and public health. The curriculum of such an institution must for approval be equivalent, insofar as the department deems feasible, to the curriculum for children of comparable age and ability in the public schools of the commonwealth.

Before acting on said request the department shall determine the nature and extent of a child's special needs, shall require the local school committee and regional advisory council to prepare and submit plans detailing the time needed to establish facilities adequate for children with special needs in the city, town or school district where the child resides, and shall ascertain whether adequate facilities and instruction programs are available or when adequate facilities can be made available in the city, town or school district where the child with special needs resides. Until adequate facilities can be made available, such child shall be placed in the most adequate program available as determined by the department. The department shall further define by regulation the circumstances in which it shall be directly responsible for the placement of children in such special education programs, and by standards available to the public determine the methods and order of such placements; provided, however, that no child shall be denied access to any program operated by the department of mental health, public health or public welfare to which in the judgment of the operating department the child should be admitted.

The expenses of the instruction and support actually rendered or furnished to such children with special needs, including their necessary travelling expenses, whether daily or otherwise, but not exceeding ordinary and reasonable compensation therefor, may be paid by the commonwealth; but the department shall issue regulations jointly with the departments of mental health, public health, youth services and public welfare defining the circumstances in which the commonwealth shall bear all or part of such cost, the circumstances in which school committees shall be required to bear part or all of such cost, and the circumstances in which a parent or guardian may be required to reimburse the commonwealth for part or all of such cost; provided, however, that in no event shall

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the cost to the school committee for placement under this section be less than the average per pupil cost for pupils of comparable age within the city, town or school district; and, provided further, that in determining the cost to the parent or guardian, if any, no charge shall be made for any educational cost but only for support and care. In determining the cost to the parent or guardian the department shall apply criteria which take into account relative ability to pay.

The department shall direct and supervise the education of all such children, and the commissioner of education shall state in his annual report their number, the cost of their instruction and support, the manner in which the money appropriated therefor has been expended, to what extent reimbursed and such other information as he deems important.

Nothing contained herein shall affect the continued authority of the departments of mental health and public health over all non-educational programs and all treatment for residents or patients in institutions under their control.

Section 11. The department is hereby authorized to cooperate with cities and towns which establish recreation programs for school age children with special needs.

Such programs shall be under the direction and approval of the division of special education, and the department shall reimburse said cities and towns for one half of the cost thereof, including transportation of said children to and from the site of such program on each day said program is held. The department shall also fully reimburse a city or town in which said children are residents for the cost of transportation to and from recreation programs at any state facility whose recreation programs are approved by the department for the purposes of this section.

Section 12. The department shall establish and maintain a school department for school-age children in each institution under the control of the departments of mental health, public health and youth services which provides support and care for resident children with special needs, acting jointly with the department which has control over the particular institution; provided, however, that appropriations for the administration of said school departments shall be administered by the department of education.

Each such school department shall be administered by a director, appointed jointly by the commissioner of education and the superintendent of said institution.

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Each such school department shall have such staff as the department and the department which administers the institution involved deem appropriate.

Such school departments shall operate pursuant to regulations established jointly by the department and the department which administers said institution. Nothing contained herein shall affect the continued authority of departments operating such institutions over all non-educational programs and all treatment for residents or patients in institutions under their control.

The director and staff of such school departments shall be employees of the department of education, which shall assume the costs of all aspects of the educational programs in such departments. Said school departments may operate twelve months of the year. The salaries of school department personnel shall be paid at a rate at least equivalent to that of the average statewide public school salaries for comparable personnel employed in the public schools, as adjusted to account for the longer school year in the school departments. The total employee benefits accruing to such personnel in vacation, sick leave, tenure, and retirement benefits shall be similarly comparable to those of public school personnel, as adjusted to account for the longer school year in the school departments. Nothing contained herein shall operate to remove from employment any educational personnel already employed by any institution now under the administration of the department of mental health, public health or youth services, or to reduce their salaries or other employee benefits.

The per capita expenditure on education programs in such school departments shall be equivalent to or higher than the average expenditure for special education programs in the public schools of the commonwealth less the average transportation costs. Said average expenditure shall be computed annually by the department of education.

The city, town or regional school district in which each school-age child in any institution described hereinabove would normally be eligible to attend school shall pay to the commonwealth the costs of the education of said child in the school department of said institution in an amount determined according to the regulations issued under section ten; provided, however, that said payment for each such child shall not be less than its average per pupil cost for pupils of comparable age within the said city, town or school district. The amount due the commonwealth each year shall be deducted from the annual distribution to said city, town or school district pursuant to section eighteen A of chapter fifty-eight.

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Section 13. The costs of instruction, training and support, including the cost of special education personnel, materials and equipment, tuition, transportation, rent and consultant services, of the children in special classes, instruction periods or other programs provided under section three shall, for the amount by which such costs exceed the average per pupil expenditure of the city, town or school district for the education of children of comparable age, be reimbursed by the commonwealth to the city, town or school district as provided in section eighteen A of chapter fifty-eight; provided however, that the amount of such reimbursement for each special education pupil in the city, town or school district shall not exceed one hundred and ten per cent of the applicable state average expenditure for each special education pupil minus the state average expenditure per public school pupil. In determining the applicable state average expenditure for each special education pupil for the purposes of this section the department shall differentiate between types of programs on the basis of the amount of time a child requires special programs outside of the regular classroom to meet his particular needs and the ratio of personnel to pupils required for such programs. Such reimbursement shall be made only after approval and certification by the department that such expenditures are reasonable and that funds for such special education personnel, materials and equipment, tuition, transportation, rent and consultant services were actually expended and that such special education classes, instruction periods and other programs have met the standards and requirements prescribed by the department. The costs for each special education pupil shall be "reimbursable expenditures" within the meaning of chapter seventy, in an amount not to exceed the average per pupil expenditure for said city, town, or school district, and shall be reimbursed under said chapter.

The department shall reimburse a city or town in which a child resides who attends a clinical nursery school established under section twenty-seven of chapter nineteen or a child, who, because of insufficient classroom space in a clinical nursery school, attends a clinical nursery school, day care center or other institution for the care, education or treatment of retarded children conducted by an accredited school or college within the commonwealth, as provided in said section twenty-seven, or a retarded person who attends an educational, habilitational or day care program or facility of the department of mental health, as provided under section twenty-eight of said chapter nineteen, by paying one half of the cost of the transportation of each such child and the full cost of each such adult to and from such educational, habilitational or day care program or facility, as the case may be, on each day said school is in session.

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Any reimbursement made to cities and towns under this section shall be made to the school committee of such cities and towns and shall be applied to the costs of programs provided for under this chapter without further appropriation.

Section 14. The state treasurer shall annually, on or before November twentieth, pay, under paragraph (3) of subsection (b) of section eighteen A of chapter fifty-eight, to any city or town or regional school district such sum as may be certified by the commissioner of education on account of special equipment purchased, leased and maintained or of classes or special instruction periods conducted as provided in section two.

SECTION 12. The first sentence of section 1 of chapter 76 of the General Laws, as amended by chapter 400 of the acts of 1930, is hereby further amended by inserting in line 22 after the word, "impracticable," the words, "subject to the provisions of section three of chapter seventy-one B".

SECTION 13. Said chapter 76 is hereby amended by striking out section 11 and inserting in place thereof the following section:-

Section 11. Any city or town which provides instruction to any child who is a resident of an institution and who was not theretofore a resident of such city or town may recover from the commonwealth the school expense incurred by reason of the school attendance of such child to be determined jointly by the school committee of such city or town and the department of education or, in case of their disagreement, by the probate court. The amount recoverable by a city or town under this section shall be limited to the annual per pupil cost of education as determined under section seven and no costs shall be reimbursed under this section which are reimbursable under section thirteen of chapter seventy-one-B.

SECTION 14. The definition of "approved school projects" in section 5 of chapter 545 of the acts of 1949 is hereby amended by inserting after the second sentence the following sentence:- "No school construction project shall be an approved school project unless and until the school building assistance bureau and the division of special education in the department of education are satisfied that adequate provisions have been made for children with special needs as defined in section one of chapter seventy-one B of the General Laws.

SECTION 15. The secretaries of the executive offices of human services and education shall jointly submit an annual report to the governor and the general court evaluating the success with which the departments under their administration have cooperated in the implementation of this act together with any recommendations for improving the ability of the commonwealth to meet the needs of children with special needs.

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SECTION 16. A child who is in a special education program as of the effective date of this act shall be presumed to be appropriately assigned to said program until an evaluation pursuant to the provisions of section three of chapter seventy-one B of the General Laws, inserted by section eleven of this act, indicates that another program would benefit said child more.

SECTION 17. No child with special needs in a special education program on the effective date of this act shall be removed from said program he is in without the written consent of the parents, guardians, or persons with custody of said child.

SECTION 18. A school committee shall not be responsible for more than the average per pupil cost for pupils of comparable age within the respective city, town or school district as its share of the cost of continuing placement for those children with special needs enrolled in an institution with his tuition paid by the commonwealth as of the effective date of this act.

SECTION 19. Departments issuing regulations pursuant to chapter seventy-one B of the General Laws, inserted by section eleven of this act, shall make such regulations available at least six months prior to the effective date of the act for review by a committee appointed by the board of education for such purpose. Said committee shall be representative of the several types of institutions now serving children with special needs, both public and private, and shall include members experienced in providing educational services to the several existing categories of special needs. Said committee shall further include members who are parents of children with special needs, both in public programs and private programs, members who are regular classroom teachers, members who are teachers primarily of children with special needs and members representing any other groups directly affected by this act or having expertise in the implementation of programs for children with special needs. Said committee shall include for each statutory category of children with special needs on the effective date of this act at least one member knowledgeable and experienced in working with such category of children.

SECTION 20. The members of a regional special education advisory council, established by section two of this act, first created shall consist of five members appointed for a one year term, five members appointed for a two year term, and six members appointed for a three year term.

SECTION 21. The amount reimbursed to a city, town or school district under section thirteen of chapter seventy-one B of the General Laws, inserted by sec-

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tion eleven of this act, combined with reimbursements for special education programs under chapter seventy of the General Laws shall not be less than reimbursements for special education programs received for the fiscal year nineteen hundred and seventy-four, until and unless said city, town or school districts qualifies for a lesser amount after September first, nineteen hundred and seventy-nine.

SECTION 22. The provisions of this act are severable and if any provision shall be held unconstitutional by any court of competent jurisdiction, the decisions of such court shall not affect or impair any of the remaining provisions.

SECTION 23. This act shall take effect on September first, nineteen hundred and seventy-four.

House of Representatives, July 8, 1972.

Passed to be enacted,

Thomas A. McKe

Acting
Speaker.

In Senate, July 8, 1972.

Passed to be enacted,

Kevin B. Quinn

President.

July 17, 1972.

Approved,

Francis W. Longo
Governor.

FORM SPED 606 (TABLES I & II)

DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
ASSOCIATE COMMISSIONER, JOSEPH P. RICE, PH.D.

CENSUS, AND EXPENDITURES BY THE COMMONWEALTH
PUBLIC SCHOOL, PRIVATE SCHOOL, AND OTHER PROGRAMS
CHILDREN AND ADULTS WITH SPECIAL NEEDS
JULY 1, 1969 to OCTOBER 1, 1972

SOURCES: Available Reports and Accounts (Unaudited)

Publication # --
(6698-7-1500-3-73), approved by
Alfred C. Holland, State Purchasing
Agent.

Benoit H. Charland
Acting Director
Bureau of Education Management

Compiled by: Martha Flashtag
John E. McGilvray

TABLE 7. PUPIL CENSUS

Public School and other Program Categories	No. of Pupils			
	1969 (1) 1970	1970 (1) 1971	1971 (1) 1972	Fall 1972 (2)
A. MENTALLY RETARDED:				
1. Fully Integrated			3,432	
2. Predominantly Integrated			3,180	
3. Partially Integrated			7,226	
Totals	11,893	14,075	13,838	(13,272)
B. RECREATION PROGRAMS	3,563	3,485	4,661	
C. TRANSPORTATION, D.M.H. PROGRAMS			668	
D. PHYSICALLY HANDICAPPED:				
1. Special Class - Transitional			495	
2. Special Class - Integrated		311	253	
3. Special Class - Non-Integrated			185	
4. Home Instruction - Long Term		3,763	1,428	
5. Home Instruction - Short Term			3,043	
6. Hospital Instruction-Long Term		1,341	1,241	
7. Hospital Instruction-Short Term			100	
Totals	5,000	5,415	6,745	(6,394)
E. PARTIALLY SEEING:				
1. Itinerant Teacher		252	179	
2. Resource Program		130	18	
3. Supplementary Tutoring			28	
Totals	389 (3)	382 (3)	325 (3)	(614)
F. SPEECH OR HEARING HANDICAPPED	33,235	36,996	38,052	(38,012)
G. EMOTIONALLY DISTURBED				
1. Special Class - Integrated		725	2,196	
2. Special Class - Non-Integrated		720	710	
2. Home Instruction		746	577	
4. Hospital Instruction		110	114	
Totals	1,532	2,301	3,597	(3,758)

(1) Basis: Form SPED 5; (e.g., July 1 to June 30 year totals)

(2) Basis: Form SPED 15 (rev. 8-72), October 1, 1972 census.

(3) These figures don't include approximately 500 additional children in each year who received educational materials and/or aids from the Division's Library Center for the Visually Handicapped.

TABLE 1: PUPIL CENSUS (cont.)

Public School and other Program Categories	No. of Pupils			
	1969 (1) 1970	1970 (1) 1971	1971 (1) 1972	Fall 1972 (2)
H. LEARNING DISABLED				
1. Classes - Self-Contained		1,054	1,445	
2. Classes - Transitional		1,217	466	
3. Instructional Periods		4,018	6,970	
4. Small Group Sessions		3,704	5,067	
5. Resource Room		434	1,711	
Totals	5,027	11,395	16,557	(19,950)
I. HEARING IMPAIRED:				
1. Classes		110	114	
2. Instructional Periods		643	1,400	
Totals	1,009	753	1,514	(1,691)
J. DEAF:				
1. Day Programs				
2. Supportive Tutoring				
Totals	278	260	230	(725)
K. LEGALLY BLIND:				
1. Itinerant Teachers				
2. Resource Programs				
3. Supportive Tutoring				
Totals	67 (4)	107 (4)	227	(325)
Multi-Handicapped				(1,510)
Other, or Undifferentiated Health Impaired				(356)
Academically Talented/Gifted				(2,890)
GRAND TOTALS PUBLIC SCHOOL AND OTHER PROGRAM CATEGORIES (Pages 1 and 2)	61,093	75,249	86,110	(83,507)

(1) Basis: Form SPED 5 (e.g., July 1 to June 30 year totals)

(2) Basis: Form SPED 15 (rev. 8-72), Oct. 1, 1972 census

(3) These figures don't include approximately 500 additional children in each year who received educational materials and/or aids from the Division's Library Center for the Visually Handicapped.

(4) Note: Program client definition change.

TABLE I: PUPIL CENSUS (cont.)

Private School Program Categories	No. of Pupils			
	1969 (5) 1970	1970 (5) 1971	1971 (5) 1972	1972 (6) 1973
L. Special Schools for the Deaf	947	1,117	969	874 (Jan)
M. Supplemental Tutoring for the Deaf			19	
N. Special Schools for the Aphasic	153	231	247	259 (Jan)
O. Special Schools for the Emotionally Disturbed	1,390	1,500	1,281	1,212 (Dec)
P. Special Schools for the Learning Disabled		74	70	66 (Feb)
Q. Special Schools for the Physically Handicapped		53	48	51 (Jan)
R. Special Schools for the Blind	207	207	234	219 (Jan)
S. Special Supportive Programs for the Blind (e.g., tutors)			91	74
Grand Totals - Private School Programs (Page 3)	2,697	3,182	2,959	2,681
Grand Totals - Public & Private School Programs (Pages 1, 2 & 3)	54,690	78,431	89,073	86,188

(5) Basis: Annual Reports, Supervisor count, and Standard Invoices

(6) Basis: Standard Invoices to dates noted.

TABLE II: PUBLIC SCHOOL, PRIVATE SCHOOL, AND OTHER RELATED PROGRAM CATEGORIES COSTS (INCLUDING TRANSPORTATION).

Public School and Other Related Program Categories	Fiscal Years, (e.g., July 1 - June 30):		
	1969-70	1970-71	1971-72
A. MENTALLY RETARDED:			
(1) Fully Integrated			\$2,406,845 S
(2) Predominantly Integrated			2,524,281 S
(3) Partially Integrated			5,943,822 S
Total cost to State (Net)	\$ 9,884,728 S	\$11,168,728 S	\$10,874,948 S
Total cost to the State and Local Committees (Net)	20,976,752	21,736,911	21,144,337
B. RECREATION PROGRAMS:			
Total Cost to State (Net)	\$ 264,282 S	\$ 287,366 S	\$ 383,799 S
Total Cost to State and Cities or Town (Net)	528,564	574,732	767,598
C. TRANSPORTATION (only) to Department of Mental Health Programs:			
Total cost to State (Net)	\$ 689,667 S	\$ 852,160 S	\$ 754,975 S
Total cost to State and Local School Committees (Net)	1,259,963	1,519,348	1,208,569
D. PHYSICALLY HANDICAPPED:			
(1) Special Class - Transitional			\$ 646,668 S
(2) Special Class - Integrated			141,685 S
(3) Special Class - Non-Integrated			134,621 S
(4) Home Instruction-Long Term			347,977 S
(5) Home Instruction-Short Term			435,341 S
(6) Hospital Instruction-Long Term			144,729 S
(7) Hospital Instruction-Short Term			40,125 S
Total Cost to State (Net)	\$ 1,909,327 S	\$ 1,729,127 S	\$1,891,146 S
Total cost to State and Local School Committees (Net)	3,818,654	3,458,254	3,782,292
E. PARTIALLY SEEING:			
(1) Itinerant Teacher			91,935 S
(2) Resource Program			11,373 S
(3) Supplementary Tutoring			4,123 S
Total Cost to State (Net)	\$ 142,201 S	154,680 S	107,431 S
Total cost to State and Local School Committees (Net)	284,402	309,360	214,862

S = State Cost

TABLE II: Costs (cont.)

Public School and Other Related Program Categories	Fiscal Years, (e.g., July 1 - June 30):		
	1969-70	1970-71	1971-72
F. SPEECH OR HEARING HANDICAPPED			
Total cost to State (Net)	\$ 1,733,573 S	\$ 1,744,717 S	\$ 2,152,216 S
Total cost to State and Local School Committees (Net)	3,467,146	3,489,434	4,304,432
G. EMOTIONALLY DISTURBED			
(1) Special Class-Integrated			\$ 1,791,252 S
(2) Special Class-Non-Integrated			660,759 S
(3) Home Instruction			226,822 S
(4) Hospital Instruction			130,810 S
Total cost to State (Net)	\$ 302,575 S	\$ 2,001,347 S	\$ 2,809,643 S
Total cost to State and Local School Committees (Net)	605,150	4,002,694	5,619,286
H. PERCEPTUALLY HANDICAPPED:			
(1) Classes - Self-Contained			\$ 823,338 S
(2) Classes - Transitional			242,892 S
(3) Instructional Periods			1,702,548 S
(4) Small Group Sessions			1,265,188 S
(5) Resource Room			577,017 S
Total cost to State (Net)	\$ 533,653 S	\$ 3,256,818 S	\$ 4,610,983 S
Total cost to State and Local School Committees (Net)	1,067,306	6,513,636	9,221,966
I. HEARING IMPAIRED:			
(1) Classes			
(2) Instructional Periods			
Total cost (100% reimbursement to Cities, Towns and Regional Districts)	\$ 52,825 S	\$ 30,157 S	\$ 53,853 S
J. DEAF:			
(1) Day Programs			
(2) Supportive Tutoring			
Total cost (100% State Reimbursement to Local Cities, Towns and Regional Districts)	\$ 303,694 S	\$ 387,806 S	\$ 601,759 S
K. LEGALLY BLIND			
(1) Itinerant Teachers			
(2) Resource Programs			
(3) Supportive Tutoring			
Total cost (100% State reimbursement to local cities, towns and Regional Districts)	\$ 53,190 S	\$ 121,315 S	\$ 212,965 S

S = State Cost

TABLE II: COSTS (cont.)

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GRAND TOTALS:

(1) Public School and other Related Program Categories' State Cost (Net)	\$ 15,869,715	\$ 21,734,221	\$ 24,453,718
(2) Public School and Other Related Program Categories' State and Local Costs (Net)	\$ 31,980,345	\$ 41,577,543	\$ 46,263,342
Fiscal Years, (e.g., July 1 June 30)			
Private School Program Categories			
	1969-70	1970-71	1971-72
L. SPECIAL SCHOOLS FOR THE DEAF	\$ 3,771,083 S	\$ 4,154,781 S	\$ 5,114,877 S
M. SUPPLEMENTAL TUTORING FOR THE DEAF			9,007 S
N. SPECIAL SCHOOLS FOR THE ~~DEAF~~ APHASIC	\$ 612,000 S	\$ 696,989 S	\$ 1,117,763 S
O. SPECIAL SCHOOLS FOR THE EMOTIONALLY DISTURBED	\$ 8,400,000 S	\$ 8,400,000 S	\$ 8,021,935 S
P. SPECIAL SCHOOLS FOR THE PERCEPTUALLY HANDICAPPED		\$ 250,000 S	\$ 341,171 S
Q. SPECIAL SCHOOLS FOR THE PHYSICALLY HANDICAPPED		\$ 155,000 S	\$ 169,429 S
R. SPECIAL SCHOOLS FOR THE BLIND	\$ 1,142,572 S	\$ 1,370,374 S	\$ 1,595,897 S
S. SUPPORTIVE PROGRAMS FOR THE BLIND, (e.g., tutors)			\$ 42,405 S
Grand Total of Private School Program Categories' State Costs (Net)	\$13,925,655 S	\$15,027,144 S	\$16,412,484 S
Grand Total - Public School and Private School and other related Program Categories' Costs:			
(1) State (Net)	\$22,795,370	\$36,761,365	\$40,866,202
(2) State and Local (Net)	\$45,906,000	\$56,604,687	\$62,675,826

S = State Cost

FORM SPED 606 (Tables III & IV)

DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
ASSOCIATE COMMISSIONER JOSEPH P. RICE, PH.D.

Net (State & Local) State-Wide Special Education Program Statistics:
Average per Pupil Expenditure; and Sub-Expenditure of
Certain Reimbursable Programs Related by Percentage
to the Total Reimbursable Program Expenditure of
those Certain Programs (by Category & Type)
for the period July 1, 1971 - June 30, 1972

Sources: Available SPED 5 (Rev. 5-72) Reports (unaudited) as computed
by the Division of Research, Planning and Evaluation
Department of Education, and other related reports
and accounts (unaudited)

Benoit H. Charland
Acting Director
Bureau of Management

Compiled by:
Martha Flashtase
John B. McGilvray

Program Category & Type	Total Average Expenditure (State & Local)		
	50% State Reim- bursed programs	100% State Reimbursement Programs	100% State Funded Programs
I. <u>MENTALLY RETARDED:</u>			
A. Fully Integrated (Pub.)	\$ 1,351.00		
B. Predominantly Integrated (Pub.)	1,535.00		
C. Partially Integrated (Pub.)	1,597.00		
II. <u>PHYSICALLY HANDICAPPED:</u>			
A. Sp. Class - Transitional (Pub.)	2,681.00		
B. Sp. Class - Integrated (Pub.)	1,079.00		
C. Sp. Class - Non-Integrated (Pub.)	1,459.00		
D. Home Instr. - Long-Term (Pub.)	487.00		
E. Home Instr. - Short Term (Pub.)	284.00		
F. Hospital Instr.-Long Term (Pub.)	205.00		
G. Hospital Instr.-Short Term (Pub.)	644.00		
H. Private School Programs (Priv.)			\$ 3,530.
III. <u>PARTIALLY SEEING:</u>			
A. Itinerant Teacher (Pub.)	968.00		
B. Resource Programs (Pub.)	1,246.00		
C. Supplementary Tutoring (Pub.)	147.00		
IV. <u>LEGALLY BLIND</u>			
A. Itinerant Teachers (Pub.)		\$ 1,113.00	
B. Resource Programs (Pub.)		1,620.00	
C. Supportive Tutoring (Pub.)		1,531.00	
D. Special Schools (Priv.)			6,820.
E. Sp. Supportive Programs (Priv.)			350.
V. <u>SPEECH OR HEARING HANDICAPPED:</u>			
A. Instructional Periods (Pub.)	113.00		
VI. <u>HEARING IMPAIRED:</u>			
A. Classes (Pub.)		1,169.00	
B. Resource Teacher Programs (Pub.)		79.00	
VII. <u>EMOTIONALLY DISTURBED:</u>			
A. Special Class-Integrated (Pub.)	1,624.00		
B. Special Class-Non-Integrated (Pub.)	1,853.00		
C. Home Instruction (Pub.)	786.00		
D. Hospital Instruction (Pub.)	2,256.00		
E. Special Schools (Priv.)			6,262.

TABLE III (Cont.)

Program Category & Type	Total Average Expenditure (State & Local)		
	50% State Reim- bursed programs	100% State Reimbursement Programs	100% State Funded Programs
VIII. LEARNING DISABLED:			
A. Classes - Self-Contained (Pub.)	\$ 1,117.00		
B. Classes - Transitional (Pub.)	1,050.00		
C. Instr. Periods (Pub.)	487.00		
D. Small Group Sessions (Pub.)	439.00		
E. Resource Room (Pub.)	693.00		
F. Special Schools (Priv.)			\$ 4,738.00
IX. DEAF			
A. Day Programs (Pub.)		\$ 1,905.00	
B. Supportive Tutoring (Pub.)		433.00	
C. Special Schools (Priv.)			5,279.00
D. Supplemental Tutoring (Priv.)			474.00
X. SPECIAL SCHOOLS FOR THE APHASIC (Priv.)			4,525.00

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TABLE IV

Average Per Pupil Expenditures/% Sub-Expenditure Related to Total Program Expenditure									
Program Category & Type	Supervision	Evaluation	Teacher Salaries	Subject Matter Specialists	Textbook Programs	Materials and Supplies	Trans- portation	Sp. Equip. and Classrooms	Total Expenditures State/Local
I. RETARDED:									
A. Fully Integrated	\$77/5.84	\$87/6.54	\$685/50.34	\$53/4.04	\$9/.84	\$32/2.44	\$377/27.84	\$31/2.44	\$1351/1004
B. Predominantly Integrated	\$90/5.94	\$117/7.74	\$1,013/65.64	\$61/4.04	\$26/1.84	\$25/1.74	\$162/10.64	\$40/2.74	\$1,534/1004
C. Partially Integrated	\$81/5.14	\$93/5.84	\$1,049/65.74	\$48/3.04	\$11/.74	\$29/1.84	\$244/15.34	\$42/2.64	\$1,597/1004
II. PHYSICALLY HANDICAPPED:									
A. Sp. Cls.- Integrated	\$29/2.94	\$11/1.44	\$451/40.94	\$27/2.84	\$13/1.54	\$25/2.64	\$514/46.64	\$10/1.34	\$1,080/1004
B. Sp. Cls.- Non-Integ.	\$23/1.44	\$39/2.74	\$650/44.64	\$6/.44	\$2/.14	\$9/.64	\$722/49.54	\$8/.54	\$1,459/1004
C. Sp. Cls.- Transit.	\$92/3.54	\$2/.14	\$2,188/61.74	\$13/.24	\$1/.14	\$3/.14	\$362/13.14	\$20/.54	\$2,681/1004
III. EMOTIONALLY DISTURBED:									
A. Sp. Cls.- Integrated	\$90/5.54	\$224/13.84	\$994/61.54	\$45/2.74	\$14/.84	\$21/1.34	\$195/12.04	\$40/2.44	\$1,625/1004
B. Sp. Cls.- Non-Int.	\$90/4.84	\$229/12.44	\$1,186/64.14	\$32/1.74	\$12/.64	\$28/1.54	\$259/14.04	\$17/.94	\$1,853/1004
IV. LEARNING DISABILITIES:									
A. Self-Con- tained Cls.	\$59/5.14	\$38/3.54	\$752/67.44	\$46/4.14	\$10/.94	\$14/1.24	\$163/14.74	\$46/3.14	\$1,117/9.04
B. Transitional Classes	\$79/7.64	\$36/3.54	\$72/64.04	\$87/8.34	\$15/1.44	\$35/3.34	\$112/10.74	\$13/1.24	\$1,049/1.04

Testimony on S. 6

93rd Congress

Boston, Massachusetts
May 7, 1973

My name is Dr. Lewis B. Klebanoff. I am Assistant Commissioner for the Division of Mental Retardation of the Massachusetts Department of Mental Health, an Associate Professor of Special Education at Boston University, and a member of the State Developmental Disabilities Council, am also an Editor of the Exceptional Parent Magazine which is the only consumer oriented publication for parents of children with disabilities. The magazine has already had the honor of publishing a letter by Senator Williams as well as some materials from other members of the Congress. Our readers need to be aware that enlightened legislation such as S.6 has been introduced and is being fought for on behalf of their children.

I am pleased to have the opportunity of coming before you to offer my strong support for Senate Bill 6. I feel that its proposed provision of financial assistance to the states for improved educational services for handicapped children would make an important contribution at this time in history and would support the educational mandates of the recent Pennsylvania Court decree, the Waddy decision, and the new Massachusetts Bartley-Daly Law.

I would like, however, to raise certain questions about particular details of the legislation. Everything is vested in the state and local education agencies, which have not always inspired the greatest enthusiasm or confidence. At least for a period of years and particularly with certain populations such as very young children, there should be the possibility of funds going to other agencies. Section 3, paragraphs 5 and 8 seem contradictory on this point. Here in Massachusetts, the Department of Mental Health has, under legislative mandate, conducted a clinical nursery school program for mentally retarded and multiply impaired children since 1957 -- long before it became fashionable. We have over one hundred such nursery schools now, and I will be pleased to match the expertise and effectiveness of their staff against any programs in the country -- public or private.

There is also the interesting constitutional question, and I am not an attorney, of whether you can, under education law, mandate a program, i.e., nursery schools for children with disabilities without all children being able to claim the right to a free public nursery school education. Although desirable, the costs of such a program may well insure the defeat of the programs for children with special needs.

"Related services" referred to in Section 3, paragraph 5, requires much more elucidation than appears in the bill. Section 6, paragraph 5, which prohibits racial and cultural discrimination in testing touches on the same issue but far too narrowly. As vital as non discrimination is, it is not the only issue. The area in which most school systems are weakest is that of the clinical assessment functions. State standards for school psychologists and counselors are often shockingly below generally accepted professional standards and even then are

often ignored. Without very solidly prepared, well supervised and experienced clinical personnel, the whole system may turn out to fall far short of its very worthy goals. Thus Section 6, paragraph 7, mandating an advisory panel, should also include by specification a psychoeducational clinician such as a qualified school/clinical psychologist.

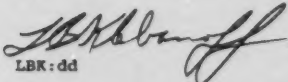
Section 6, paragraph 9 puzzles me somewhat in that the legislation seems to reimburse for expenditure. If this maintenance of effort is merely to prevent supplanting local funds by federal ones it might more clearly so state.

I would raise one final question with respect to Section 6, paragraph 4B which provides parents or guardians the right to "examine all relevant records with respect to the classification or educational placement of the child". Certainly there is no section better intended to be progressive. It is clear that for too long parents have been regarded as incompetent, a nuisance and not entitled to much information about their child. However, giving them access to raw records will only guarantee the keeping of dual or private records in addition to an innocuous public record. When it comes to our medical records or those of our children, for example, although we may be intellectually capable of comprehending them if we had access to them we would likely not be emotionally capable of dealing with the material. Parents need the material, certainly. They need it however, in the context of a trusting, professional relationship in which they can explore interpretations of the data, their feelings about it and the meanings to the family, and then plan thoughtfully for the child. Anything less is a tragic pretense and despite the paucity of standards and really adequately trained personnel, we cannot finesse this issue. If we do, we will spend a huge amount of money in a well intended and, in fact, desperately important cause but to considerably less than the desired or the necessary effect.

I urge you to procede with your championing of S.6 but with the modifications suggested. I might add parenthetically, but not irrelevantly, that you pursue a parallel interest of determining whether HEW is ignoring the intent of the Congress in the way they are now limiting the funding of P.L. 89-313 in apparent violation particularly of Section 144, ESEA.

Thank you again for this opportunity to appear. I will be pleased to try to answer any questions you might have.

LBR:dd



TESTIMONY

TO

THE SUB-COMMITTEE ON THE HANDICAPPED

OF

THE COMMITTEE ON LABOR AND PUBLIC WELFARE

OF

THE UNITED STATES SENATE

BY

ROBERT G. MELANDER, CHAIRMAN

ADVISORY COUNCIL ON SPECIAL EDUCATION

STATE OF CONNECTICUT

MY NAME IS ROBERT G. MELANDER AND I AM HERE TODAY AS CHAIRMAN OF THE ADVISORY COUNCIL ON SPECIAL EDUCATION TO THE CONNECTICUT STATE BOARD OF EDUCATION. THE ADVISORY COUNCIL IS A NEW ADDITION TO SPECIAL EDUCATION IN OUR STATE, HAVING BEEN ESTABLISHED BY THE 1972 GENERAL ASSEMBLY. THE FIFTEEN MEMBERS OF THE COUNCIL ARE NOT NEWCOMERS TO THIS AREA OF EDUCATION, HOWEVER, AND THEY REPRESENT A SPECTRUM OF CONSUMER, CITIZEN AND PROFESSIONAL BACKGROUNDS AND EXPERIENCE. AS TO MY OWN CREDENTIALS, I AM A MECHANICAL ENGINEER OF SOME THIRTY YEARS EXPERIENCE, A PARENT AND, I HOPE, A REASONABLY INTELLENT AND INFORMED INDIVIDUAL. IT HAS BEEN MY PRIVILEGE TO HAVE BEEN INVOLVED IN THE DEVELOPMENT OF SPECIAL EDUCATION IN CONNECTICUT OVER THE PAST TWELVE YEARS. I HOPE WHAT WE IN CONNECTICUT HAVE TO OFFER THIS SUB-COMMITTEE WILL PROVE USEFUL TO YOU IN YOUR DELIBERATIONS.

MANDATORY SPECIAL EDUCATION FOR ALL HANDICAPPED CHILDREN WHO REQUIRE IT BECAME EFFECTIVE IN CONNECTICUT ON SEPTEMBER 1, 1967. OUR CONNECTICUT STATUTE IS AN OMNIBUS LAW COVERING ALL TYPES OF HANDICAPS AND IT IS VERY SIMILAR TO S'6 WHICH IS UNDER CONSIDERATION HERE TODAY. I THINK OUR EXPERIENCES WITH OUR LAW SINCE 1967 CAN PROVIDE UNIQUE FIELD EXPERIENCE FOR THE SUBCOMMITTEE.

IN 1971 A TEAM FROM THE EAGLETON INSTITUTE OF POLITICS CAME TO CONNECTICUT TO MAKE A STUDY FOR THE GENERAL ASSEMBLY OF THE IN-

PLEMENTATION OF LEGISLATION IN SOME PARTICULAR AREA. THE AREA MUTUALLY AGREED UPON BY LEGISLATIVE LEADERS AND EAGLETON WAS SPECIAL EDUCATION. THE RESULTING REPORT, WHICH IS AN EXCELLENT JOB DONE BY AN INDEPENDENT REVIEW TEAM, IS SUBMITTED AS PART OF THIS TESTIMONY. ALSO INCLUDED AS PART OF THIS TESTIMONY ARE THE GENERAL STATUTES OF CONNECTICUT COVERING SPECIAL EDUCATION WHICH ARE NEEDED TO MAKE THE EAGLETON REPORT MEANINGFUL.

NO LAW, NO MATTER HOW GOOD IT MAY BE, IS ANY BETTER THAN THE MANNER IN WHICH IT IS IMPLEMENTED. CERTAIN THINGS, AS WE ALL KNOW, SIMPLY CANNOT BE ACCOMPLISHED BY LEGISLATION ALONE. IT TAKES INTEREST, EFFORT AND DEDICATION ON THE PART OF THOSE WHO MUST MAKE THE LEGISLATION FUNCTION. THIS IS PARTICULARLY TRUE OF THE AREA UNDER DISCUSSION HERE TODAY -- SPECIAL EDUCATION. THE SCHOOL ADMINISTRATION THAT FOLLOWS THE LETTER AND THE SPIRIT OF THE LAW CAN MAKE THE DIFFERENCE BETWEEN A USEFUL, PRODUCTIVE LIFE FOR THE HANDICAPPED CHILD AND ONE OF MISERY AND DESPAIR. THOSE SCHOOL ADMINISTRATIONS WHOSE ONLY INTEREST IS IN COMPLYING WITH THE LETTER OF THE LAW, AND SOMETIMES NOT EVEN THAT, DO A GROSS DISSERVICE TO THE CHILD. THEY ALSO DO A DISSERVICE TO THE COMMUNITY, THE NATION AND THEMSELVES. WE HAVE BOTH OF THESE EXTREMES IN CONNECTICUT. MOST SCHOOL SYSTEMS, HOWEVER, ARE SOMEWHERE IN BETWEEN. IT IS SAFE TO SAY THOUGH, THAT EVEN IN THE BEST OF CONNECTICUT'S SCHOOL SYSTEMS, AFTER SIX YEARS OF MANDATORY SERVICES, A SIGNIFICANT NUMBER OF CHILDREN STILL "GET LOST IN THE SHUFFLE".

IN ANY ANALYSIS OF THE PROBLEMS INVOLVED IN DEVELOPING THE VARIED SERVICES REQUIRED FOR SPECIAL EDUCATION, MONEY, OR THE LACK OF IT, IS APT TO BE AT THE TOP OF THE LIST. CERTAINLY ADEQUATE FINANCIAL SUPPORT IS ESSENTIAL TO ANY SUCH PROGRAM. THERE IS, HOWEVER, ANOTHER BASIC BUT MORE PHILOSOPHICAL PROBLEM THAT THREATENS TO BE AN EQUALLY LARGE "ROAD BLOCK" TO THE DEVELOPMENT OF PUBLIC SCHOOL PROGRAMS FOR THE SPECIAL CHILD. THIS INVOLVES A GENERAL CONCEPT OF THE PUBLIC SCHOOL SYSTEM AND ITS ABILITY TO SERVE NEEDS OTHER THAN THOSE OF THE "NORMAL" CHILD. TOO OFTEN I HAVE HEARD, FROM PARENTS AND EDUCATORS ALIKE, THAT PUBLIC EDUCATION REALLY CAN'T COPE WITH, OR SHOULDN'T BE EXPECTED TO COPE WITH, THE NEEDS OF A CERTAIN CHILD. THIS CHILD SIMPLY CANNOT FIT INTO A PUBLIC SCHOOL. BEFORE ONE CAN COUNTER THIS VIEWPOINT ONE MUST FIRST DEFINE WHAT IS MEANT BY PUBLIC EDUCATION AND ANALYSE ITS CAPABILITIES. PUBLIC EDUCATION IS A VISIBLE PORTION OF SOCIETY'S COMMITMENT TO PREPARE OUR CHILDREN FOR THE RESPONSIBILITIES OF ADULTHOOD. IT SHOULD NOT BE THE RIGID SYSTEM OF BUILDINGS, TEACHERS, ADMINISTRATORS AND RULES WITH LIMITED RESPONSIBILITIES AND GOALS THAT WE ALL TOO OFTEN MAKE IT. PUBLIC EDUCATION IS NOT LIMITED TO THE SCHOOL DOWN THE STREET WITH ITS FIXED CLASS SCHEDULES AND CURRICULUM. IT HAS THE CAPACITY TO BE FLEXIBLE AND RESPONSIVE TO A WIDE VARIETY OF SPECIAL NEEDS IF WE RECOGNIZE AND UTILIZE THE RESOURCES AVAILABLE WITHIN THE SYSTEM. ONLY WHEN IT IS FLEXIBLE AND RESPONSIVE CAN PUBLIC EDUCATION PROVIDE ADEQUATELY FOR THE NEEDS OF THE SPECIAL CHILD. WITH A FEW NOTABLE EXCEPTIONS WE CONTINUE TO DEVELOP PROGRAMS AND CURRICULUM AND FIT CHILDREN INTO THEM. IT IS TIME

WE REVERSED THIS PROCESS AND FIT THE PROGRAMS TO THE NEEDS OF THE INDIVIDUAL CHILD.

THERE ARE WAYS THAT THE PUBLIC SCHOOL SYSTEMS CAN PROVIDE FOR THE EDUCATIONAL NEEDS OF EVEN SEVERELY HANDICAPPED CHILDREN. WE ARE DEVELOPING SOME SUCH METHODS IN CONNECTICUT NOW. ONE OF THE MORE INTERESTING OF THESE IS THE CAPITOL REGION EDUCATION COUNCIL OR CREC FOR SHORT. CREC IS LEGALLY A LOCAL BOARD OF EDUCATION UNDER STATE LAW. IT OPERATES PROGRAMS FOR TOWNS IN THE CENTRAL CONNECTICUT AREA UPON THE REQUEST OF ONE OR MORE OF THE TOWNS. ONE OF CREC'S CURRENT PROGRAMS IS FOR SEVERELY DISTURBED (AUTISTIC) CHILDREN. THIS IS ONE OF VERY FEW IN THE COUNTRY FOR THIS TYPE OF HANDICAPPED CHILD. CREC IS AN ADMINISTRATIVE STRUCTURE WHICH PROVIDES FLEXIBILITY IN PROGRAMMING NOT POSSIBLE IN THE MORE CONVENTIONAL PUBLIC SCHOOL STRUCTURE. IT IS UNIQUE SINCE IT OWNS NO SCHOOLS AND EMPLOYS NO INSTRUCTIONAL STAFF. INSTEAD IT CONTRACTS FOR SERVICES WITH ORGANIZATIONS AND AGENCIES, BOTH PUBLIC AND PRIVATE, AS NEEDED. WHILE CREC'S ACTIVITIES ARE NOT LIMITED TO THE AREA OF SPECIAL EDUCATION ITS CAPABILITIES MAKE IT PARTICULARLY EFFECTIVE IN THIS AREA. CREC IS AN EXAMPLE OF ONE IMAGINATIVE APPROACH TO PROVIDING PUBLIC SCHOOL SERVICES.

DIAGNOSIS AND EVALUATION OF CHILDREN REQUIRING SPECIAL EDUCATION IS AN AREA WHERE THERE IS NEED FOR MUCH IMPROVEMENT AT THE PRESENT TIME. THIS IS ESPECIALLY TRUE IN THE AREAS OF MENTAL, EMOTIONAL AND NEUROLOGICAL PROBLEMS. HIGHLY SKILLED PERSONNEL ARE REQUIRED

TO DO THE SOPHISTICATED WORKUPS REQUIRED AND SUCH QUALIFIED PROFESSIONALS ARE IN SHORT SUPPLY. PROBABLY THE MOST CRITICAL AREA FROM THE DIAGNOSTIC POINT OF VIEW AND THE ONE THAT CAUSES THE MOST DISAGREEMENTS BETWEEN PARENTS AND SCHOOL SYSTEMS IN CONNECTICUT IS THE AREA IDENTIFIED AS "LEARNING DISABILITIES". SUCH DISAGREEMENTS WILL CONTINUE TO BE A PROBLEM UNTIL THE OVERALL QUALITY OF SCHOOL DIAGNOSES AND EVALUATIONS IS SUBSTANTIALLY IMPROVED. WE SEEM TO NEED TO "LABEL" THE CHILD THAT REQUIRES SPECIAL EDUCATION BEFORE WE CAN PROVIDE HIM THE SERVICES HE NEEDS. WITH THIS "LABELING" THERE IS ALWAYS THE DANGER OF THE CHILD BEING "MIS-LABELED". THERE IS NO ABSOLUTE WAY TO PROTECT THE CHILD FROM BEING MIS-DIAGNOSED. COMPETENT DIAGNOSTIC PERSONNEL AND REGULAR PERIODIC RE-EVALUATIONS, HOWEVER, CAN MINIMIZE THE DANGER. IT IS THE DUTY OF BOTH THE SCHOOL SYSTEM AND THE PARENTS OF THE CHILD TO SEE THAT SUCH "MIS-LABELING" DOES NOT OCCUR.

NOT UNEXPECTEDLY ONE OF THE PROBLEMS THAT CONNECTICUT PUBLIC SCHOOL SYSTEMS HAVE BEEN FACED WITH IS A SHORTAGE OF TRAINED AND EXPERIENCED PERSONNEL IN ALL AREAS OF SPECIAL EDUCATION. EVEN IN THESE DAYS OF TEACHER SURPLUSES, QUALIFIED TEACHERS FOR THE VARIOUS AREAS OF SPECIAL EDUCATION ARE HARD TO FIND. ONE OF THE OBVIOUS WAYS TO OVERCOME THIS PROBLEM IS TO PROVIDE "ON THE JOB TRAINING" FOR GOOD EXPERIENCED TEACHERS FROM WITHIN THE SCHOOL SYSTEM. THIS HAS CERTAIN ADVANTAGES OVER HIRING THE NEW GRADUATE WITH SPECIALIZED TRAINING IN THE FIELD OF SPECIAL EDUCATION. ACADEMIC BACKGROUND IS ONLY PART OF WHAT IS NEEDED TO MAKE AN EFFECTIVE TEACHER FOR THESE

CHILDREN.

WHEN CONNECTICUT COMMITTED ITSELF TO PROVIDING SPECIAL EDUCATION FOR ALL CHILDREN WHO NEEDED IT WE HAD TWO BASIC CHOICES. ONE WAS TO WAIT UNTIL THE TRAINED PERSONNEL WAS AVAILABLE AND THEN ESTABLISH PROGRAMS AND THE OTHER WAS TO ESTABLISH PROGRAMS WITH THE RESOURCES AVAILABLE AND EXPAND AS MORE PERSONNEL BECAME AVAILABLE IN A "BOOT STRAP" EFFORT. I THINK CONNECTICUT MADE THE CORRECT CHOICE WHEN IT CHOSE THE LATTER ALTERNATIVE. WHILE THERE IS STILL A SHORTAGE OF QUALIFIED PERSONNEL AND WILL BE FOR SOME TIME YET, THE SUPPLY HAS INCREASED FASTER BECAUSE OF THE DEMAND. AT THE SAME TIME A GOOD MANY CHILDREN HAVE RECEIVED BADLY NEEDED SPECIAL EDUCATION SERVICES.

IT IS EASY TO ASSES PROGRESS IN SPECIAL EDUCATION IN TERMS OF QUANTITY OF PROGRAMS. MUCH MORE DIFFICULT IS THE ATTEMPT TO MEASURE QUALITY OF THE PROGRAMS OR THE COMPETENCY OF THE STAFF. IT IS VITAL THAT WE MAKE SUCH AN ASSESMENT OF QUALITY, HOWEVER, SINCE WITHOUT IT WE ARE "FLYING BLIND". OVER THE PAST SIX YEARS EFFORTS TO EVALUATE PROGRAMS OF THE LOCAL SCHOOL SYSTEMS HAS BEEN BADLY HAMPERED BY THE SHORTAGE OF PERSONNEL IN THE STATE DEPARTMENT OF EDUCATION HERE IN CONNECTICUT. HOPEFULLY THIS SITUATION WILL CHANGE IN THE FUTURE. ON THE OTHER HAND WE ARE WORKING ON METHODS FOR EVALUATING THE COMPETENCY AND EFFECTIVENESS OF TEACHING PERSONNEL, NOT ONLY FOR SPECIAL EDUCATION BUT FOR GENERAL EDUCATION AS WELL.

WE ARE CONCERNED IN CONNECTICUT OVER THE INCREASING USE OF PRIVATE SCHOOL FACILITIES TO PROVIDE SPECIALIZED PROGRAMS FOR CERTAIN CHILDREN. LOCAL SCHOOL SYSTEMS CAN DO THIS AND BE REIMBURSED BY THE STATE UNDER PROVISIONS OF OUR SPECIAL EDUCATION STATUTES. THIS PROVISION OF THE LAW WAS ORIGINALLY CONCEIVED AS A MEANS TO PROVIDE VERY SPECIALIZED SERVICES FOR A VERY LIMITED NUMBER OF CHILDREN UNTIL COMPARABLE SERVICES COULD BE DEVELOPED WITHIN THE LOCAL COMMUNITIES OR ON A REGIONAL BASIS. THE COMPARABLE SERVICES HAVE NOT DEVELOPED AS THEY SHOULD HAVE AND AN EVER INCREASING NUMBER OF CHILDREN ARE BEING PLACED IN PRIVATE FACILITIES, MOST OF WHICH ARE OUTSIDE OF CONNECTICUT. THIS MAY INVOLVE AS MANY AS ONE THOUSAND CHILDREN BY THE FALL OF THIS YEAR. FINDING A SATISFACTORY SOLUTION TO THIS PROBLEM BEFORE IT CAN HARM SPECIAL EDUCATION PROGRAMS AS A WHOLE HAS A HIGH PRIORITY.

CONNECTICUT'S SPECIAL EDUCATION STATUTES PROVIDE FOR PRE-SCHOOL EDUCATION ON A SELECTIVE BASIS. THE MINIMUM AGE FOR SUCH SERVICES IS THREE YEARS AND FOUR MONTHS ON JANUARY 1 OF THE SCHOOL YEAR. THERE IS GOOD EVIDENCE NOW THAT ~~FOR~~ CERTAIN TYPES OF HANDICAPS (DEAFNESS OR SEVERE HEARING LOSS, BLINDNESS, CEREBRAL PALSY, AND CERTAIN OF THE MENTALLY RETARDED) SHOULD BE PROVIDED SERVICES AT AN EVEN EARLIER AGE. PROVIDING SERVICES FOR CHILDREN AS YOUNG AS TWO YEARS MIGHT SEEM IMPRACTICAL AND UNNECESSARILY EXPENSIVE. MONEY SPENT FOR SPECIAL EDUCATION SERVICES AT AN EARLY AGE MAY BE SAVED MANY TIMES OVER LATER IN THE CHILD'S EDUCATION. WE SHOULD NEVER FORGET THAT THE MAJOR GOAL OF SPECIAL EDUCATION IS TO BRING THE

CHILD BACK INTO THE MAINSTREAM OF LIFE OR AS NEAR TO IT AS HIS HANDICAP WILL ALLOW. PROVIDING SERVICES AS EARLY AS PRACTICAL, WHEN THEY ARE APT TO BE MOST EFFECTIVE IS ONLY COMMON SENSE.

IT WAS MENTIONED EARLIER THAT MONEY, OR THE LACK OF IT, IS A CHRONIC PROBLEM FOR SPECIAL EDUCATION. THE PROBLEM IS REALLY NOT LIMITED TO SPECIAL EDUCATION BUT INCLUDES GENERAL EDUCATION AS WELL. TO CONSIDER ONE SEPARATE AND APART FROM THE OTHER ONLY DISTORTS THE PROBLEM. IN CONNECTICUT, FOR INSTANCE, THE BASIC PROBLEM IS THE LOW LEVEL OF STATE SUPPORT FOR GENERAL EDUCATION. WITH LOCAL COMMUNITIES HARD PRESSED TO SUPPORT GENERAL EDUCATION COSTS THERE IS LITTLE LEFT OVER TO SUPPORT SPECIAL EDUCATION. THE STATE PAYS TWO THIRDS OF THE COST OF SPECIAL EDUCATION OVER AND ABOVE THE COST OF GENERAL EDUCATION. IF THE STATE'S SHARE OF THE EXCESS COST WERE INCREASED TO SEVENTY-FIVE OR EVEN ONE HUNDRED PERCENT OF EXCESS COST IT WOULD BE ONLY A PARTIAL SOLUTION TO THE PROBLEM. A CHANGE IN THE METHOD OF PAYMENT BY THE STATE WOULD BE FAR MORE HELPFUL. CURRENTLY THE STATE AID FOR SPECIAL EDUCATION IS A REIMBURSEMENT PAID AFTER THE LOCAL COMMUNITY HAS SPENT THE MONEY. THE STATE MONEY IS PAID BACK TO THE TOWN GENERAL FUND RATHER THAN TO THE LOCAL BOARD OF EDUCATION WHICH AGGRAVATES THE CONTINUOUS DISAGREEMENT THAT TAKES PLACE BETWEEN LOCAL BOARDS OF EDUCATION AND BOARDS OF FINANCE. IF THE STATE AID WERE PREPAID FOR THE YEAR IN WHICH IT IS SPENT AND WERE PAID DIRECTLY TO THE BOARD OF EDUCATION THEN PART OF THE EXISTING PROBLEM WOULD BE ALLEVIATED. NO CHANGE IN SPECIAL ED-

UCATION AID OR METHOD OF PAYMENT OF THAT AID CAN SOLVE THE PROBLEM ~~ALONE~~.
 ONLY AN INCREASE IN THE LEVEL OF STATE SUPPORT FOR GENERAL EDUCATION CAN DO THIS.

THE COST PER CHILD FOR A CHILD IN SPECIAL EDUCATION IS SUBSTANTIALLY HIGHER THAN THE COST PER CHILD IN GENERAL EDUCATION. IT IS LOGICAL TO EXPECT THAT THERE WILL ALWAYS BE A SHORTAGE OF MONEY ~~FOR~~ SPECIAL EDUCATION PROGRAMS SO WE MUST DEVELOP BETTER, MORE EFFICIENT AND LESS EXPENSIVE TECHNIQUES TO PROVIDE FOR THE NEEDS OF THE CHILD REQUIRING SPECIAL EDUCATION. "MORE OF THE SAME" IS NOT THE ANSWER FOR THE FUTURE. WE MUST DEVELOP THE MEANS TO GET MORE RETURN ON THE EDUCATION DOLLAR AND THIS HAS TO INCLUDE THE SPECIAL EDUCATION DOLLAR ALSO.

AT THE BEGINNING OF THIS TESTIMONY I MENTIONED THE EAGLETON REPORT ON SPECIAL EDUCATION IN CONNECTICUT. IT IS INTERESTING TO NOTE THAT IN APPENDIX C OF THE REPORT RECOMMENDATION #32 IS THE DRAFT OF THE BILL SETTING UP THE ADVISORY COUNCIL ON SPECIAL EDUCATION, THE COUNCIL OF WHICH I AM NOW CHAIRMAN. IT IS ALSO INTERESTING TO NOTE THAT RECOMMENDATION #24, ESTABLISHING A STATE PLAN FOR SPECIAL EDUCATION WAS ALSO ENACTED INTO LAW IN 1972 WHILE RECOMMENDATION #18 WAS RECENTLY ENACTED INTO LAW BY THE 1973 LEGISLATURE AND SIGNED BY THE GOVERNOR. RECOMMENDATION #19 HAS RECEIVED FAVORABLE REPORTS BY THE COMMITTEES AND IS NOW AWAITING FLOOR ACTION.

I WOULD LIKE TO EMPHASIZE ONE MORE POINT BEFORE I CLOSE. WE ALL TO OFTEN SEE THE HANDICAP AND NOT THE CHILD. TO BE EFFECTIVE I THINK WE MUST KEEP REMINDING OURSELVES THAT WHAT WE ARE TALKING ABOUT, WHAT WE ARE TRYING TO HELP IS AFTER ALL A PERSON. HE IS NOT DISABILITY, HE IS AN INDIVIDUAL WITH HIS OWN UNIQUE STRENGTHS TO BE BUILT UPON AND SOME PROBLEMS THAT NEED HELP.

I HAVE TRIED TO GIVE TO YOU THE MEMBERS OF THE SUB-COMMITTEE THE BENEFITS OF SOME OF CONNECTICUTS EXPERIENCE IN DEVELOPING SPECIAL EDUCATION IN THE PUBLIC SCHOOL SYSTEM. THIS HAS BEEN DONE RATHER BRIEFLY BECAUSE OF THE TIME LIMITATIONS BUT I WOULD LIKE OFFER ANY ADDITIONAL INFORMATION THAT YOU OR THE STAFF MIGHT WANT. WE WILL BE HAPPY TO BE OF ASSISTANCE IN ANY WAY WE CAN.

DURING THE PAST SIX YEARS CONNECTICUT HAS HAD THE OPPORTUNITY TO EXPLORE SOME OF THE PROBLEMS, SOME OF THE PITFALLS, AND MANY OF THE BENEFITS DERIVED FROM PROVIDING SPECIAL EDUCATION TO THOSE WHO NEED IT. THE NUMBER OF CHILDREN SERVED HAS INCREASED STEADILY UNTIL WE ARE EXPECTING TO SERVE 11,000 CHILDREN DURING THE COMING SCHOOL YEAR. THERE IS EXPERIENCE TO SHARE. I SINCERELY HOPE IT CAN BE USED TO HELP CHILDREN IN OTHER PARTS OF THE COUNTRY TOO.

I AM PLEASED TO HAVE HAD THE OPPORTUNITY TO TESTIFY TODAY AND I WOULD LIKE TO THANK SENATOR RANDOLPH AND THE MEMBERS OF THE SUB-COMMITTEE FOR INVITING ME.

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STATE OF CONNECTICUT

GENERAL STATUTES

Annotated

SPECIAL EDUCATION

§ 10-76a. Definitions

Whenever used in sections 10-76a to 10-76g, inclusive, and 10-94a:

(a) "Secretary" means the secretary of the state board of education.

(b) "Child" means any person under twenty-one years of age.

(c) An "exceptional child" means a child who deviates either intellectually, physically, socially, or emotionally so markedly from normally expected growth and development patterns that he is or will be unable to progress effectively in a regular school program and needs a special class, special instruction or special services.

(d) "Special education" means special classes, programs or services designed to meet the educational needs of exceptional children in accordance with the regulations of the secretary, subject to approval by the state board of education.

(e) "Children requiring special education" includes any exceptional child who (1) is mentally retarded, physically handicapped, socially and emotionally maladjusted, neurologically impaired, or suffering an identifiable learning disability which impedes his rate of development, which disability is amenable to correction or which rate of development may be improved by special education, or (2) has extraordinary learning ability or outstanding talent in the creative arts, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs but which may be provided through special education as part of the public school program.

(f) A "mentally retarded child" means one who, by reason of retarded mental development, is not capable of profiting from the educational programs of the public schools established for the normal child, but shall not include any child who requires custodial care, or does not have clean bodily habits, responsiveness to directions or means of intelligible communication; an "educable" mentally retarded child means one who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected from a child of twelve years of age but who can be expected to attain a level of intellectual functioning greater than that of a seven-year-old child; a "trainable" mentally retarded child means one who, at maturity, cannot be expected to attain an intellectual functioning greater than that commonly expected of a seven-year-old child and who, for entrance into a public school special program, can walk, has clean bodily habits and is responsive to simple direction.

(g) A "physically handicapped child" is one who because of some physical handicap, as defined in regulations of the state board of education, requires special educational programs or services.

(h) A "socially and emotionally maladjusted child" or "neurologically impaired child" is one who is incapable of fully profiting from the general educational programs of the public schools because of some serious social or emotional handicap or an impairment of the nervous system, respectively, as defined by regulation by the state board of education, but who is expected to profit from special education.

(i) "School age children" are those who have attained the age at which the town must commence to provide educational opportunities pursuant to section 10-188.

§ 10-76a

EDUCATION

(j) "Learning disabilities," "extraordinary learning ability" an "outstanding creative talent" shall be defined by regulation by the secretary, subject to the approval of the state board of education, after consideration by him of the opinions of appropriate specialists and of the normal range of ability and rate of progress of children in the Connecticut public schools.

(1967, P.A. 627, § 1, eff. July 1, 1967; 1969, P.A. 793, § 1, eff. July 1, 1969.)

Library references

Words and Phrases (Perm Ed.).

§ 10-76b. State supervision. Regulations. Coordinating agency

(a) The state board of education shall provide for the development and supervision of the educational programs and services for children requiring special education and may regulate curriculum, conditions of instruction, physical facilities and equipment, class composition and size, admission of students, and the requirements respecting necessary special services and instruction to be provided by town and regional boards of education. Said board shall supervise the educational aspects of the training of all children requiring special education who are residing in or attending any child-caring institution receiving money from the state.

(b) The secretary shall designate by regulation, subject to the approval of the state board of education, the procedures which shall be used to identify exceptional children.

(c) Said board shall be the agency for cooperation and consultation with federal agencies, other state agencies and private bodies on matters of public school education of children requiring special education, provided the full responsibilities for other aspects of the care of such children shall be reserved to such other agencies.

(d) The state board of education shall periodically evaluate the progress and accomplishments of programs covered by sections 10-76a to 10-76g, inclusive. Said board shall annually review, with the joint standing committee on education of the general assembly, the disbursement of funds, the types of projects funded, and the evaluation of programs dealing with children requiring special education in order to apprise the general assembly of the true condition, progress and needs of special education.

(1967, P.A. 627, § 2, eff. July 1, 1967; 1971, P.A. 320.)

1971 Amendment

1971, P.A. 326 added subsection (d) relating to evaluation of special education programs.

Law Review Commentaries

Public school management. Laura M. Pope and W. Gary Vause. (1969-70) 2 Conn.L.Rev. 255.

Library references

Schools and School Districts ⇨47.
C.J.S. Schools and School Districts
§§ 86-91.

§ 10-76c. Receipt and use of money and personal property

The state board of education or any town or regional board of education may receive money, securities or other personal property by gift, devise or bequest to be used for the education of children requiring special education in accordance with the provisions of sections 10-76a to 10-76b, inclusive, or 10-94a and the wishes of the donor.

(1967, P.A. 627, § 3, eff. July 1, 1967.)

Library references

Schools and School Districts ⇨47, 55.
C.J.S. Schools and School Districts
§§ 86-91, 119 et seq.

§ 10-76d. Duties and powers of boards of education to provide special education programs and services

(a) In accordance with the regulations and procedures established by the secretary and approved by the state board of education, each town or regional board of education shall provide the professional services requisite to identification of school age children requiring special education, identify each such child within its jurisdiction, determine the eligibility of such children for special education pursuant to sections 10-76a to 10-76g, inclusive, prescribe suitable educational programs for eligible children, maintain a record thereof and make such reports as the secretary may require. No school age child requiring special education shall be excluded or exempted from school privileges except with the express approval of the secretary based upon appropriate professional advice. Said secretary shall immediately report any child so excluded or exempted to any state agency responsible by law for any aspect of the welfare of such child.

(b) In accordance with the regulations of the state board of education, each town and regional school district shall: (1) Provide special education for school age children requiring special education who are described in subdivision (1) of subsection (e) of section 10-76a. The obligation of the school district under this subsection shall terminate when such child is graduated from high school or reaches age twenty-one, whichever occurs first; (2) provide special education for children requiring special education who are described in subdivision (1) of subsection (e) of section 10-76a and who have not attained school age, but whose educational potential will be irreparably diminished without special education at an early age. The state board of education shall define the criteria by which the town or regional district shall determine whether a given child is eligible for special education pursuant to this subdivision, and such determination shall be made by the district when requested by a parent or guardian, or upon referral by a physician, clinic or social worker, provided the parent or guardian so permits.

(c) Each town or regional school district may provide special education for children requiring it who are described by subdivision (2) of subsection (e) of section 10-76a and for other exceptional children for whom provision of special education is not required by law.

(d) To meet its obligations under sections 10-76a to 10-76g, inclusive, any town or regional board of education may make agreements with another such board or, subject to the consent of the parent or guardian of any child affected thereby, make agreements with any private school or public or private agency or institution to provide the necessary programs or services, but no expenditures made pursuant to a contract with a private school, agency or institution for such special education shall be reimbursable under the provisions of section 10-76g unless the educational needs of the child for whom such special education is being provided cannot be met by public school arrangements in the opinion of the secretary who, before granting approval of said contract for purposes of reimbursement, shall consider such factors as the particular needs of the child, the suitability and efficacy of the program offered by such private school, agency or institution, and the economic feasibility of comparable alternatives. Any town or regional board of education may enter into a contract with the owners or operators of any sheltered workshop or rehabilitation center for provision of an education occupational training program for children requiring special education who are at least sixteen years of age, provided such workshop or institution shall have been approved by the state board of education. Whenever any child is identified by a town or regional board of education as a child requiring special education and said board of education determines that the requirements for special education could be met by a program provided within the district or by agreement with another board of education except for the child's need

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for services other than educational services such as medical, psychiatric or institutional care or services, said board may meet its obligation to furnish special education for such child by paying the reasonable cost of special education instruction in a private school, hospital or other institution provided that said board or the secretary concurs that placement in such institution is necessary and proper and no state institution is available to meet his needs.

(e) Any town or regional school district which provides special education pursuant to any mandates in this section shall provide such transportation, tuition, room and board and other items as are necessary to the provision of such special education except for children who are placed in a residential facility because of the need for services other than educational services, in which case the financial responsibility of the school district and reimbursement to such district shall be limited to the reasonable costs of special education instruction as defined in the regulations of the state board of education. (1967, P.A. 627, § 4; 1969, P.A. 793, § 2, eff. July 1, 1969.)

1967 Public Act 627, § 11 provided that: "This act shall take effect July 1, 1967, except that (1) the expenditures made by school districts for special education prior to July 1, 1967, shall not be reimbursable special education costs under the provisions of this act and (2) with the exception of special education for hearing impaired children who meet the criteria set by the state board of education, provision of special education for exceptional children described in subdivision (3) of subsection (b) of section 4 of this act shall not be mandatory until July 1, 1969."

1969 Amendment

1969, P.A. 793, § 2, substituted, in the first sentence of subsection (g), the reference "10-76g" in lieu of "10-76h" following "pursuant to sections 1076a to", and substituted "prescribe suitable educational programs for eligible children" in lieu of "and 10-94a" preceding "maintain a record thereof"; deleted from subsection (b), all of the text of subdivision (1) which read "(1) Maintain special classes for educable and trainable mentally retarded children as follows: A class shall be established where there is a minimum of ten educable mentally retarded children of the chronological ages of six to twelve, inclusive; a class shall be established where there is a minimum of ten educable mentally retarded children of the chronological ages of twelve to twenty-one, inclusive; a class shall be established where there is a minimum of six trainable mentally retarded children of the chronological ages of six to twelve, inclusive; and a class shall be established where there is a minimum of six trainable mentally retarded children of the chronological ages of twelve to twenty-one, inclusive. An additional class shall be established whenever

the enrolment in any one class exceeds two times the minimum number required for the beginning of that class or when required by regulations established by the state board of education. Any town or regional school district having fewer than the minimum number required for the establishment of classes shall establish such classes in cooperation with one or more other towns or regional school districts, or shall provide such class instruction in another town or regional school district by payment of tuition, or shall otherwise provide instruction of a type prescribed by the state board of education"; re-designated subsection (L) (2) and (b) (3) as subsection (b) (1) and (b) (2); deleted, from the first sentence of subsection (b) (1), "other mentally retarded children" following "for school age children"; substituted, in subsection (c), "exceptional" in lieu of "such" preceding "children for whom"; substituted, in the first sentence of subsection (d), "10-76g" in lieu of "10-76h" following "under sections 10-76a to", deleted "and section 10-94a" preceding "any town or regional", inserted "make agreements with another such board or" following "education may", deleted "with another such board or" following "make agreements", deleted "public or" following "with any", inserted "or public or private" following "private school", substituted "secretary who" in lieu of "state board of education which" following "in the opinion of the"; inserted, in subsection (d), the last sentence; substituted, in subsection (e), "this section" in lieu of "sections 10-76a to 10-76h, inclusive" following "to any mandates in", inserted room and board provision following "transportation, tuition", deleted "and such portion of room and board as is attributable to satisfaction of the

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need for special education" following "such special education" and added exception thereto.

Library references

Schools and School Districts § 47, 55, 156, 164.

C.J.S. Schools and School Districts §§ 86-91, 113 et seq., 447, 455.

§ 10-76e. State grants for cooperative regional special education facilities

Any school district which agrees to provide special education, as part of a long-term regional plan approved by the state board of education, for children requiring special education who reside in other school districts shall be eligible to receive a grant in an amount equal to the net cost to such district of providing, constructing or reconstructing and equipping appropriate facilities to be used exclusively for children requiring special education, provided such facilities shall be approved by the state board of education and shall be an adjunct to or connected with facilities for children in the regular school program, except when the state board of education determines that separate facilities would be of greater benefit to the children participating in the long-term special education program. Such grants shall be in addition to any grant received pursuant to section 10-266. Application for grants under this section shall be made to the state board of education at such time and in such manner as said board may prescribe. Said board may make such a grant in an amount equal to one hundred per cent of the cost of the facilities less any other public or private grants for such purpose. Upon certification of completion of the building project by the secretary, the comptroller shall pay the sum granted to the town or regional school district in a lump sum.

(1967, P.A. 627, § 5, eff. July 1, 1967; 1969, P.A. 793, § 3, eff. July 1, 1969.)

1969 Amendment

1969, P.A. 793, § 3, deleted, from the second sentence from the end "If funds are available and the grant approved is made as a single grant" following "grants for such purpose"; and added last sentence.

Library references

Schools and School Districts § 19(1).

C.J.S. Schools and School Districts §§ 19, 21.

§ 10-76f. Definition of terms used in formula for state aid for special education

For the purposes of sections 10-76a to 10-76g, inclusive:

(a) "Per pupil cost" in a school district is the quotient of net current expenses, as defined in section 10-261, minus any state funds received under section 10-266c, divided by the number of children residing in and being educated at the expense of such district in average daily membership.

(b) "Special education personnel" includes any person engaged in special education in accordance with the regulations made pursuant to section 10-76a.

(c) "Special education equipment and materials" means such equipment and materials as are used primarily to implement special education in accordance with regulations made pursuant to said sections.

(d) "Special education tuition" means the tuition, board, room and other fees paid to another public or private school, agency or institution by a board of education to meet the educational needs of children requiring special education, provided such payments have been pursuant to an agreement approved by the secretary, and any payments made by the board of education to supplement the expenditures for special education pursuant to section 10-94a, which have been approved by the secretary.

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(e) "Special education transportation costs" are the amounts paid by a claimant town or regional board of education for transporting any child to and from any clinic, physician's office, agency or institution to which the board requests the child to go for the purposes of determining the need for special education and amounts paid for transporting such child to and from any school, agency or institution for the purposes of special education unless such transportation is on a bus which is transporting, at the same time, children in the standard educational program provided by the claimant board.

(f) "Special education rent" means any expenditure for rental of space or equipment to implement special education in accordance with regulations made pursuant to said sections.

(g) "Special education consultant services" means non-instructional services rendered concerning children requiring special education by professional persons other than employees of a board of education for programs approved pursuant to said sections.

(h) "Net cost of special education" means the result obtained by subtracting from the expenditures made by a claimant board for special education personnel, equipment, materials, tuition, transportation, rent and consultant services, (1) the product of the per pupil cost and the number of school age children residing in and being educated at the expense of such district whose instructional program is provided primarily, as determined by the secretary, by special education personnel and (2) the total amount of any funds from other state or federal grants, private grants or special education tuition received by it in such year and used to implement special education programs approved pursuant to said sections.

(1967, P.A. 627, § 7, eff. July 1, 1967; 1969, P.A. 793, § 4, eff. July 1, 1969.)
1969 Amendment

1969, P.A. 793, § 4, deleted, from the introductory sentence, "and 10-94a" following "sections 10-76a to 10-76h, inclusive"; inserted, in subsection (a), minus any state funds received under section 10-266c of the general statutes, as amended" following "defined in section 10-261"; inserted, in subsection (d), "educational" following "to meet the", and added proviso; substituted, in sub-

section (e), "provided" in lieu of "administered" following "standard educational program; substituted, in subsection (h) (1), "the" in lieu of "his" following "the product of", and inserted "school age" following "cost and the number of".

Library references

Schools and School Districts § 19(1).
C.J.S. Schools and School Districts
§§ 19, 21.

§ 10-76g. State aid for special education

(a) Any school district which provides special education, in accordance with regulations made pursuant to sections 10-76a to 10-76g, inclusive, and 10-94a, for any exceptional child shall be reimbursed in an amount equal to sixty-six and two-thirds per cent of its net cost of special education for the preceding fiscal year except as hereinafter provided; provided applications for such reimbursements shall be made not later than October first, and provided all such reimbursements shall be made not later than December fifteenth. In any case in which special education is being provided at a private institution to a child for whom no school district can be found responsible, under subsection (b) of section 10-76d, the reimbursement herein provided for shall be payable to such institution and for such purpose such institution shall be considered a school district within the meaning of sections 10-76a to 10-76j, inclusive.

(b) For the fiscal year 1967-68, all costs related to items defined by subsections (b) to (g), inclusive, of section 10-76f which will be incurred for special education of hearing impaired children which is required by subdivision (3) of subsection (b) of section 10-76d shall be prepaid by the state. Application for such prepayment shall be made in the same manner as designated for aid for programs for educationally deprived children in sections 10-263c and

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10-266d. After July 1, 1968, reimbursement for the cost of special education provided for any child shall be pursuant to subsection (a). The prepayment of the total cost of special education for hearing impaired children not yet of school age for the school year ending June 30, 1968, shall be in addition to any state aid granted by any other section of the general statutes, provided costs for which prepayment is made shall not be included in any other claim for reimbursement under the provisions of sections 10-76a to 10-76h, inclusive, and 10-94a.

(c) The expenditures made by school districts for special education prior to July 1, 1967, shall not be reimbursable special education costs under the provisions of this section.

(1967, P.A. 627, §§ S. 11, eff. July 1, 1967; 1972, P.A. 182.)

1972 Amendment

1972, P.A. 182 added, in subsec. (a), the proviso at the end of the first sentence and added the second sentence.

Library references

Schools and School Districts C-19(1).
C.J.S. Schools and School Districts
§§ 19, 21.

§ 10-76h. Hearing by local board of education. Review by state board. Appeal

(a) A parent or guardian of a child requiring special education under sections 10-76a to 10-76g, inclusive, and section 10-94a may request, in writing, of the board of education of the school district responsible for providing such special education, a hearing on and a review of: (a) Diagnosis, (b) evaluation of special educational programs provided for such child, or (c) the exclusion or exemption from school privileges of such child. The board of education of the school district shall grant the parent or guardian said hearing and review, in closed session, within ten days after receipt of the written request, and shall cause said hearing and review to be transcribed. A written copy of the decision of the board shall be sent to the parent or guardian within ten days of the hearing and review, together with a statement of the right of appeal. Any parent or guardian aggrieved by the decision of the board may take an appeal therefrom within thirty days to the state board of education as provided in this section. In the event of an appeal, upon request and at the expense of the board of education of the school district, said board shall supply a copy of the transcript to the parent or guardian and to the state board of education.

(b) A parent or guardian of a child requiring special education under sections 10-76a to 10-76g, inclusive, and section 10-94a, aggrieved by a decision of the board of education of the school district responsible for providing such special education may request, or the board of education of the school district responsible for providing such education may, with due cause, request in writing of the state board of education, a review of: (1) Diagnosis, (2) evaluation of educational programs provided for such child by the board of education of the school district, or (3) the exclusion or exemption from school privileges of such child by the board of education of the school district.

(c) The state board of education shall, on receipt of request for such review, establish a hearing board of not less than three persons knowledgeable in the fields and areas significant to such educational review of such child. Members of the hearing board may be employees of the state department of education or may be qualified persons from outside said department. No person who participated in the previous diagnosis, evaluation, or prescription of education programs or exclusion or exemption from school privileges under review, nor any member of the board of education of the school district under review, shall be a member of the hearing board.

(d) The hearing board shall hear testimony of the party requesting said review and any other party directly involved, and shall review the previous diagnosis, evaluation, prescription of special educational services, and other education records of said child, which records shall be furnished by the

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board of education of the school district, and may hear such additional testimony as the hearing board shall deem relevant. Said hearing board may require a complete and independent diagnosis, evaluation and prescription of educational programs by qualified persons, the cost of which shall be paid by the board of education of the school district.

(e) The hearing board shall have the authority to confirm, modify, or reject any diagnosis, evaluation, educational program prescribed, or exclusion or exemption from school privileges and prescribe alternate special educational programs for the child, and shall inform the parent or guardian and the board of education of the school district of its decision in writing. If the board of education of the school district responsible for providing special education for such child requiring special education does not take action on the findings or prescription of said hearing board within fifteen days after receipt thereof, the state board of education may take appropriate action to enforce the findings or prescriptions of the hearing board. Appeal from the decision of the hearing board shall be to the court of common pleas in the district of residence of said child within thirty days from the date of receipt of said hearing board's decision.

(f) Members of the hearing board, other than those employed by the state of Connecticut, shall be paid reasonable fees and expenses as established by the state board of education.

(1971, P.A. 667, §§ 1-4, eff. July 1, 1971.)

1971, P.A. 667, § 7, which provided for appropriations was vetoed.

1967, P.A. 627, § 10, formerly designated as § 10-76h, which was related to

summer program for teachers of hearing impaired children was deleted as obsolete in the 1969 Supplement to the General Statutes.

§ 10-76i. Advisory council for special education

(a) There shall be an advisory council for special education which shall advise the state board of education and the secretary thereof, and which shall engage in such other activities as are hereinafter set forth. Said advisory council shall be composed of fifteen members who are not officers or employees of the state board of education, and no more than four of whom may be employees of town or regional school districts. Said advisory council shall be composed of persons broadly representative of community organizations interested in children requiring special education as defined in section 10-76a, parents of such children, practicing members of the professions concerned with the educational needs of such children and members of the general public. The secretary of the state board of education shall appoint the members of said advisory council for three-year terms, except that, of those first appointed, five shall be appointed for terms of three years, five for terms of two years and five for terms of one year. Vacancies shall be filled for unexpired terms in the same manner as original appointments. Members of said advisory council shall serve no more than two consecutive three-year terms.

(b) Said advisory council shall elect annually its own chairman and other officers as deemed necessary. The designee of the secretary of the state board of education shall meet with and act as secretary to said advisory council. Members of said advisory council shall serve without compensation, but shall be reimbursed for all reasonable expenses incurred in the performance of their duties. The state department of education shall provide secretarial and administrative assistance to facilitate the activity of said advisory council. The commission for higher education shall appoint a liaison person to said advisory council.

(c) Said advisory council shall

(1) review periodically the regulations, standards and guidelines pertaining to special education and recommend to the state board of education any changes which it finds necessary,

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(2) comment on any new or revised regulations, standards and guidelines proposed for issuance, and

(3) participate with the state board of education in the development of any state plan for provision of special education

(d) Said advisory council shall review annually with the joint standing committee on education of the general assembly the progress made by the state in serving those children requiring special education and any recommendations for the improvement of special education in the state. (1972, P.A. 167.)

1969, P.A. 640, published as § 10-76i
in the 1969 Supplement to the General
Statutes, and amended by 1971, P.A.
430 is now set out as § 10-76k.

§ 10-76j. Five-year plan for special education

(a) The state board of education, utilizing present personnel only, shall make and keep current a five-year plan for the implementation of the special education policy set forth in sections 10-76a to 10-76b, inclusive, and other pertinent sections. The plan shall include:

(1) A census of children requiring special education in the state, showing the total number of such children and the geographic distribution of such children as a whole;

(2) an inventory of personnel and facilities available to provide instruction and other programs and services to children requiring special education;

(3) an analysis of the present distribution of responsibility for special education between the state, including state institutions, and local and regional boards of education, together with recommendations for any changes in the distribution of responsibilities;

(4) a formulation of goals, objectives and strategies necessary to achieve compliance with the special education law and to implement the various components of the plan required by this section;

(5) a program for the recruitment, preparation and inservice training of professionals and paraprofessionals and supportive personnel in special education and allied fields, including participation by institutions of higher education, state and local agencies, and other appropriate public and private organizations;

(6) procedures for identification, screening and diagnosis of children requiring special education and determination of the criteria for determining how such children are to be educated;

(7) standards for the education in town and regional programs and in state institutions to be received by children requiring special education;

(8) a program for the development, acquisition, construction and maintenance of classrooms, resource rooms and other facilities needed to implement fully the provisions of the special education law;

(9) a policy on the roles of private schools and regional programs and services for children requiring special education;

(10) a delineation of the roles of program personnel and the relationship of special education to the total education program; and

(11) an analysis of the present formula and levels and patterns of financial support for special education and recommendations to insure the maximum use of funds to meet the educational needs of children requiring special education.

(b) The development of the state plan shall include the participation of representatives of state agencies and institutions, public and private colleges and universities, professional and parent groups and organizations, local school

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boards and other local government and civic organizations and the general public.

(c) The complete state plan shall be submitted to the governor and the joint standing committee on education of the general assembly not later than December 1, 1973.

(1972, P.A. 115, §§ 1 to 3, eff. July 1, 1972.)

§ 10-76k. Development of innovative educational programs

(a) The board of education of any school district, or any other public or private nonprofit organization or agency, may prepare and develop experimental educational plans and submit them to the state board of education, provided all such proposals coming from organizations other than a board of education shall be approved by the board of education of the school district before submission to the state board. Each such plan shall specify, describe and support with reasons the following: (1) the objectives of such plan; (2) the methods of evaluation to be employed; (3) the area to be served by and from which pupils will be drawn for the experimental educational project; (4) the policies, standards and methods to be employed in the selection of pupils; (5) the policies, standards and methods with respect to the operation of the project, including administrative organization, grouping of pupils, educational and instructional practices, the use and functioning of teachers and other instructional and supervisory personnel, choice of educational materials and equipment, allocation of curricular time and use of extra-school cultural facilities; (6) the site, size, design, estimated capital cost and method of financing of any school or other building, or specific standards and criteria for determining the same; (7) the expected sources of financial support together with estimates of the required annual budgets for the first two years of operation, exclusive of capital costs of land and buildings; (8) the policies and standards with respect to professional staff, including qualifications, estimated salary scales and methods of selection of professional personnel; and (9) provision for direct participation by members of the communities and students to be served by such experimental educational projects, in planning, policy-making and service function affecting such projects. The state board of education may accept, reject or modify any such experimental educational project, or it may request the revision and resubmission of such plan, if said board finds such plan does not conform to the educational interests of the state, as defined in section 10-4a and other sections of the general statutes. Acceptance of an experimental educational project by the state board of education shall constitute compliance of the plan with this and other sections of this title. (b) The state board of education shall furnish assistance to all applicants in the planning and developing of projects under this section. (c) All experimental educational projects conducted pursuant to subsection (a) of this section shall be evaluated at least annually. The state board of education shall, on or before March first annually, review with the joint standing committee on education of the general assembly all applications for projects, state board actions on such proposals, the current programs, evaluations of such programs, and such other information as said committee may require in order to inform itself about such programs.

(1969, P.A. 640; 1971, P.A. 430.)

1971 Amendment

1971, P.A. 430 rewrote the section. Prior to this amendment the section read as follows:

The board of education of any town or regional school district may, with the approval of the state board of education, establish no more than three ex-

perimental school projects for the development of innovative educational programs. The board of education of any town or regional school district may prepare and develop experimental school plans and submit them to the state board of education. Each such plan shall specify, describe and support with

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reasons the following: (1) The area to be served by and from which pupils will be drawn for the experimental school project; (2) the policies, standards and methods to be employed in the selection of pupils; (3) the policies and methods with respect to school operation including administrative organization, grouping of pupils, educational and instructional practices, the use and functioning of teachers and other instructional supervisory personnel, choice of educational materials and equipment, allocation of curricular time and use of extra-school cultural facilities; (4) the site, size, design, estimated capital cost and method of financing of any school or other building, or specific standards and criteria for determining the same; (5) the expected sources of financial support together with estimates of the re-

quired annual budgets for the first two years of operation, exclusive of capital costs of land and building; (6) the policies and standards with respect to professional staff, including qualifications, estimated salary scales and methods of selection of professional personnel; and (7) provision for direct participation by members of the communities to be served by such experimental schools in planning, policy-making and service function affecting such schools. The state board of education may accept, reject or modify any such experimental school plan, or it may request the revision and resubmission of such plan. Acceptance of an experimental school plan by the state board of education shall constitute compliance of the plan with this and other sections of title 10.

§ 10-94a. Out-of-state education of perceptually handicapped children

After July 1, 1967, the state board of education may spend up to thirty-six hundred dollars per year per child for the purpose of sending children who have perceptual learning disabilities and for whom there are no facilities for education in this state to schools, institutions or other places outside this state which furnish proper facilities for education of such children, provided no such financial assistance shall be provided for any child other than one who was enrolled in an out-of-state school or institution pursuant to section 10-94a of the 1965 supplement to the general statutes before July 1, 1967. Such funds may be spent outside of the state for room, board, tuition and other items necessarily relevant to the education of such children. Said board may determine whether a given child should be so enrolled and may make any regulations necessary to implementation of this section. This section does not preclude the payment of funds by town or regional boards of education to supplement the expenditures provided by this section or enrollment of any child requiring special education in an out-of-state school or institution pursuant to section 10-76d and reimbursement for such costs pursuant to sections 10-76f and 10-76g.

(1967, P.A. 627, § 6, eff. July 1, 1967; 1969 P.A. 793, § 5, eff. July 1, 1969.)

1967 Amendment

1967 Public Act 627, § 6 added "After July 1, 1967" at beginning of first sentence, substituted "may spend" for "is authorized to expend funds" following "board of education", substituted "which furnish" for "furnishing" following "outside this state" and added proviso at end of first sentence; deleted third sentence and added new sentences three and four.

1967 Public Act 627, § 11 provided that: "This act shall take effect July 1, 1967, except that (1) the expenditures made by school districts for special education prior to July 1, 1967, shall not be reimbursable special education costs under the provisions of this act and (2)

with the exception of special education for hearing impaired children who meet the criteria set by the state board of education, provision of special education for exceptional children described in subdivision (3) of subsection (b) of section 4 of this act shall not be mandatory until July 1, 1969."

1969 Amendment

1969, P.A. 793, § 5, inserted, in the last sentence, "the payment of funds by town or regional boards of education to supplement the expenditures provided by this section or" following "does not preclude", and substituted section "10-76d" in lieu of section "10-76c" following "pursuant to section".

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§ 10-94b. Program for socially and emotionally maladjusted children at Children's Center. Personnel in teachers' retirement system

(a) The Children's Center shall maintain a program of special education for the socially and emotionally maladjusted children who have been placed in the center for medical or psychiatric services or institutional care, which program has been approved by the state board of education.

(b) Any person employed by The Children's Center in the approved special educational program may be or continue to be a member of the teachers' retirement system.

(1969, P.A. 571, § 1, 5, eff. July 1, 1969.)

Cross references

The Children's Center located at Hamden, admission of children, see § 17-369.

Law Review Commentaries

The First Amendment & school desegregation. (1971) 3 Conn.L.Rev. 299.

§ 10-94c. Payment for children placed by welfare commissioner or other agencies

(a) Children placed in The Children's Center by the welfare commissioner or from or by other agencies, persons or towns shall be entitled to the approved special educational program at The Children's Center, payment for which shall be made by the town from which such child came and under whose jurisdiction such child would otherwise be attending school if not placed in The Children's Center. Such payments shall be made annually at the per pupil cost rate as established by the state board of education for the period during which the child attended the special education program, notwithstanding any provision of this title to the contrary.

(b) As of July first, annually, The Children's Center shall submit to the state board of education, on forms provided by said board, a sworn statement of the cost of its approved special educational program for the preceding year. For the purpose of this section, the costs of the approved special educational program shall consist of the following: Salaries of administrators, teachers and other school personnel, school textbooks and supplies, and the custodial, maintenance, repair and operating expenses attributable to the school program.

Annually, upon the receipt of the statement of the costs of the approved special educational program for the preceding year, the state board of education shall establish the per pupil cost for such approved special educational program which shall be applicable for the succeeding year.

(1969, P.A. 571, §§ 2-4, eff. July 1, 1969.)

§ 10-94d. State board of education as custodian of special funds from government to center

The state board of education shall act as custodian for any special funds from state or federal grants to The Children's Center.

(1969, P.A. 571, § 6, eff. July 1, 1969.)

Connecticut General Assembly



**SPECIAL EDUCATION
IN CONNECTICUT**

**Report of the
Committee on Program
Review and Evaluation**

April, 1972

THE COMMITTEE ON PROGRAM REVIEW AND EVALUATION

CONNECTICUT GENERAL ASSEMBLY

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SECOND EDITION
JANUARY, 1973



State of Connecticut
GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06110
APRIL, 1972

LETTER OF TRANSMITTAL

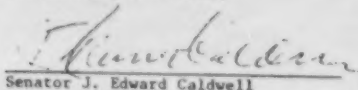
TO: HONORABLE MEMBERS OF THE GENERAL ASSEMBLY

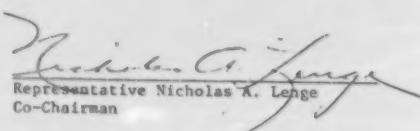
The Committee on Program Review and Evaluation submits this report for consideration by the General Assembly. The Committee has formulated thirty-six recommendations directed at improving special education in Connecticut.

The Committee was created to work cooperatively with the Eagleton Institute of Politics' demonstration project on legislative review and evaluation. The major goal of the project is to further the role of the Legislature in carrying out its review and evaluation responsibilities.

The Committee recommendations are made with the intention of improving the impact and effectiveness of special education programs. The report points out many of the problems surrounding the educating of the state's exceptional children, and the recommendations are made to fill many of these gaps and needs in special education.

Respectfully submitted,


Senator J. Edward Caldwell
Co-Chairman


Representative Nicholas A. Lenge
Co-Chairman

RECOMMENDATIONS FOR SPECIAL EDUCATION

The recommendations are listed in three major categories: (1) those requiring legislative action, (2) those requiring state Department of Education action, and (3) those requiring both legislative and departmental action. Since the recommendations as listed here are not in the same order as in the body of the report, the page numbers listed after each recommendation provide the information where the discussion pertaining to each recommendation can be found in the report.

I. LEGISLATIVE ACTION REQUIRED

1. The Department of Education should study alternative formulas regarding the distribution of state grants for special education and report the findings and recommendations to the Joint Committee on Education and the Joint Committee on Appropriations by February 15, 1973. (8-11)
2. A special appropriation should be made to pay current costs of new and expanded programs on a percentage basis; the state should also be required to make payment of special education grants by December 15th of each year. (11)
3. The Department should study the feasibility of phasing in partial payment of current costs and report its findings to the Joint Committee on Education and the Joint Committee on Appropriations by February 15, 1973. (11)
4. In order to facilitate program growth, funds should be channeled directly to the school boards or town boards should be required to reappropriate special education grant receipts to boards of education. (12)
5. Section 10-76d of the General Statutes should be amended to require the state Department of Education to assure that children excluded from school privileges have access to free public education or training programs appropriate to their learning capacities; greater state control should be exercised over suspensions. (27-28)
6. The Bureau of Pupil Personnel and Special Educational Services should be required to review all plans for school building construction in order to ensure adequate special education facilities are included, based on town or regional needs; if plans are deficient, the Bureau should take appropriate action to alter the intentions of the plans and the Department of Education should withhold approval of the plans until agreement is reached. (31)

7. The Bureau should use a standard contract form for the private school agreements. The amount paid under contract should be tied directly to the degree of achievement of the pupil. (31-34)
8. The Bureau should conduct an analysis as to why children are placed in private schools and report the findings to the Education Committee and the Appropriations Committee by February 15, 1973. (31-34)
9. Public Act 667 should be amended to require a time limit be imposed for the state Department action on individual cases and the word "may" should be changed to "shall" to enable the state to enforce its recommendations. (35)
10. State law should provide for planning in special education to detail how the state Department of Education and local school districts and state institutions propose to educate all handicapped children. The plans should be regulated and coordinated by the Department of Education and should be subject to Department approval; the plans should be binding and amended only with state Department approval; the planning process should include all parties interested in and concerned with special education in Connecticut. (46-48)
11. The Department of Education should conduct and coordinate a needs assessment of special education on a statewide basis, and should have the cooperation of all local and regional school districts and state institutions in proceeding with the assessment. (48)
12. A permanent advisory committee on special education should be established to serve as an advocate for exceptional children and as an advisory board in the compilation of a state plan for special education.
13. One half of one percent of the special education grant appropriation in fiscal years 1973 and 1974 should be set aside for development of a statewide evaluation program and information system for special education; reports should be made periodically to the Education Committee and the Appropriations Committee. (56)

II. DEPARTMENT OF EDUCATION ACTION REQUIRED

14. The Department should consider methods of optimizing the use of federal funds, directing these funds into need areas, and using them for experimental projects. (12)
15. A separate bureau of special education should be established in the Department of Education to administer the state's obligations under the special education law, other pertinent statutes, and regulations. (21-22)

16. The existing forms approval committee should be replaced with an internal department-wide data collection coordination committee, which would review department data needs. An advisory committee on data collection, made up of local school district officials, should be established to advise on such department activities. (22-23)
17. A person should be designated as coordinator of federal funds in the Department of Education to help monitor requests for and the use of federal funds. Evaluation of federally funded programs and projects should also be coordinated by this person. (24)
18. The Bureau should establish a program approval procedure tied to the evaluation plan, which the Bureau is suggested to develop and implement. (28-29)
19. The State Board of Education should adopt the proposed special education teacher certification regulations and begin to plan for their implementation. (29-31)
20. The Bureau should establish a meaningful procedure for assessing private out-of-state schools, such as not permitting school districts to send children to schools in a state which does not approve private schools or limiting the distance to be traveled so parents can visit children and state Department personnel can evaluate the school and programs without much travel. (31-34)
21. The Bureau should formulate a clearer definition of varying responsibilities, especially in terms of the law, state and local obligations, and children's rights. (34)
22. The Bureau should employ means available to coordinate special education activities between the state and the state-supported colleges and university so that maximum utilization of resources can be made; private colleges should also be included. (38-40)
23. The Bureau should increase its supervision of special education programs at state institutions. (40-42)
24. The Bureau should continue to develop priorities and use them as guidelines for Bureau activities. The local and regional school districts should be encouraged to establish priorities based on local needs. (49)
25. The local and regional school districts should describe their programs and services being provided for exceptional children and report them to the Bureau in the fall of the year. The planning documents should include the statements of utilization of these program elements for the suggested 5 year planning period. (50-51)
26. The Bureau should compile, print, and distribute its policy statements; local and regional school districts should be encouraged to formulate clear statements of policy; and in both instances, policy should be used to direct use of program elements and to describe the relationship between special education and the total educational program. (51-52)

27. Models of various program elements based on successful experiences of school districts and research projects should be developed and information about them should be distributed to the local school districts. (57)

III. LEGISLATIVE AND DEPARTMENTAL ACTION REQUIRED

28. A field audit section should be established in the Department to review the expenditures of state grants by the local education agencies. The audit should be a combination fiscal and program-type review. In the establishment of the audit operation, a selected auditing approach of towns should be considered. (23-24)
29. The Department of Education should prescribe procedures for identification of exceptional children, with emphasis on early identification; local boards of education should be required to maintain on-going programs of screening and diagnosis of exceptional children, and the state should provide regional diagnostic facilities and services to assist in the process; other public agencies on the state and local levels should be required to assist in the process also; and reporting information to the Department of Education should be part of the identification procedure. (24-27)
30. The state should provide for shifting emphasis from private school programs to public supported facilities, especially in the need areas. Contingent upon the Department report in response to Special Act 92 to the Education Committee in February, the state should consider taking action to provide for regional programs for exceptional children under the control of regional boards of special education. (33-38)
31. A regional services plan should be designed and implemented over a time span to provide programs and services integral to educating exceptional children. (38)
32. The Bureau should develop state goals and objectives for special education commensurate with anticipated accomplishments. Also, local and regional boards of education should formulate program goals and objectives and report them to the state Department of Education. (49-50)
33. The Bureau should develop and implement designs to evaluate the performance and output of special education in Connecticut; the design should include evaluation of programs by local and regional boards, which report the results to the Bureau; and the Bureau should change its emphasis from consulting to regulating and evaluating special education. (52-53)
34. The Bureau should establish an information system to provide data on program effectiveness and impact; the system should require uniform record-keeping of special education programs and services by local and regional school districts. (53-55)

35. The Department of Education should begin to do field audits of special education programs in selected school districts. (55-56)
36. A pre-school age census and registration of children should be required for purposes of identification. (56)

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FOREWORD

The Committee on Program Review and Evaluation was established by the Joint Committee on Legislative Management for the purpose of working cooperatively with the Eagleton Institute of Politics and its legislative review and evaluation demonstration project. The project, funded by the Ford Foundation, is aimed at improving the General Assembly's performance of reviewing and evaluating on-going programs of the state government. The Committee decided to begin its work by reviewing special education programs in Connecticut and to report its findings and recommendations to the General Assembly at its 1972 session.

The report concentrates on analysis and evaluation of special education. Since the program is a state categorical grant program, most of the report revolves around the state's role in ensuring adequate implementation and application of the special education mandate and supporting funds.

We wish to thank the employees of the several state agencies for their cooperation in the preparation of the report. Our special thanks go to the Department of Education, particularly the chief, Dr. Francis A. McElaney, and personnel of the Bureau of Pupil Personnel and Special Educational Services for their assistance. The information provided by local school officials and members of parent and professional groups with interests in special education was appreciated. Also, to the school officials in the town of Wethersfield for allowing the Committee to visit their schools, a special thanks. Assistance was also obtained from the Bureau of Education for the Handicapped in the Office of Education, Department of Health, Education, and Welfare.

Staff support was provided by the Office of Legislative Research and the Auditors of Public Accounts.

The Bureau of Pupil Personnel and Special Educational Services commented on the preliminary draft and recommendations of the Committee report. The response of the Bureau is included in the Appendices.

The recommendations were adopted on a majority basis and consequently, not all members of the Committee gave their full support to all recommendations. Several members had objections to a few recommendations and therefore, are not bound to support legislation implementing them.

Senator J. Edward Caldwell
Representative Nicholas A. Lenge
Co-Chairmen

April, 1972

INTRODUCTION

This study of special education in Connecticut is designed to provide information to the members of the Connecticut General Assembly about the problems of special education. The information is presented in three major parts: (1) financing special education, (2) improving special education, and (3) programming in special education. Interspersed throughout the report are recommendations based upon the general findings resulting from the activities of the General Assembly's Interim Committee on Program Review and Evaluation and its staff.

The description and analysis in this report are based on: a review of relevant literature and data, including applicable legislation, regulations, guidelines, and budget documents; several Committee meetings with Department of Education representatives and local school district personnel; a site visit by Committee members; numerous meetings by staff with the consultants in the Bureau of Pupil Personnel and Special Educational Services as well as other officials in the Department of Education and other state agencies; information furnished by several school districts and from parent associations with interest in special education; and assistance by the Bureau of Education for the Handicapped in the Department of Health, Education, and Welfare.

Connecticut's special education law of 1967 is an omnibus and mandatory act. It requires that educational programs be provided for handicapped children in all areas of disability, and it enables programs to be provided for the gifted and talented on a permissive basis. Local boards of education are obligated to identify, diagnose, and prescribe and furnish programs for

exceptional children. The state is given the responsibility to provide for the development and supervision of special education programs and services, to prescribe identification procedures, and to evaluate special education programs periodically. The law and regulations also spell out in greater detail other duties and responsibilities of the state and local boards of education.

The Bureau of Pupil Personnel and Special Educational Services has been created within the Department of Education to carry out the state's function in the area of special education. The Bureau is cognizant of the many problems confronting efforts to improve special education in the state. The Bureau's special education staff is knowledgeable and proficient in the area; however, certain problems block many of their endeavors. This report focuses on the Bureau's activities at implementing the law and enforcing the mandate.

The Nature of Special Education

Special education is a program, service, or class designed to meet the educational requirements of an exceptional child whose needs cannot be met by a regular education program. In a broader sense, it includes all support services necessary to enable an exceptional child to take advantage of or respond to an educational experience. In Connecticut, all children with learning problems, physical disabilities, neurological impairments, mental handicaps, and social and emotional maladjustments, all defined in the law as exceptional children, must be provided educational programs to aid them in overcoming their educational handicaps. Also, children who have extraordinary learning abilities or creative talents may be provided special programs, but this is not a requirement. It should be noted that special education is considered to be a part of--not apart from--the total educational offerings of a school district.

Special education in Connecticut has evolved slowly, but in the past five years it has experienced a somewhat rapid growth. The nation's first school for the deaf was started in Hartford in 1817 with state assistance. Eventually public school programs were developed for the mentally retarded, visually impaired, speech and hearing impaired, and emotionally disturbed. State-aided programs for the learning disabled were established after 1967. As special education grew in size and scope, the state helped with some funds as well as with consultative services.

Programs in special education are required to be flexible in nature and in application, so that the individual student's needs can be met and his education can be of value to him. The programs' target population is an estimated 12 percent of the two to twenty year-old age group in the state. The following table, which is based on estimates, shows the number and percentage of children in Connecticut with various types of handicaps.

Table I. Handicapped Children in Connecticut

TYPE OF DISABILITY	PERCENT OF SCHOOL AGE CHILDREN	NUMBER OF CHILDREN
Educable Mentally Retarded	1.85	14,320
Trainable Mentally Retarded	.45	3,483
Hearing Impaired	.15	1,161
Speech Impaired	3.50	27,091
Visually Impaired	.10	774
Emotionally Disturbed	3.00	23,221
Crippled and Other Health Impaired	.56	4,335
Learning Disabled	<u>2.00</u>	<u>15,481</u>
TOTAL	11.61	89,866

(Source: Bureau of Pupil Personnel and Special Educational Services)

The reliability of these figures is somewhat questionable. The Bureau claims that since the percentages are based on national studies which are over a decade old, their application to the state of Connecticut may not be valid. Yet, the Bureau has not undertaken to do an incidence study to determine the

exact extent of the handicapped child population in the state. As a result, accurate information based on the Connecticut experience is not available.

The law and regulations define and describe the general characteristics of children in each disability area. A move is presently underway to have the references to the disability categories and labels removed from the law and instead, have the law refer to "children requiring special education services."

Goals

One goal of special education is that each exceptional child have an equal educational opportunity. In the past, children with handicaps were denied access to and the benefits of education by legal and administrative means. Recent judicial decisions in Utah, California, Pennsylvania, and Massachusetts have recognized the potential capabilities that would accrue to the handicapped child if he were involved in a meaningful educational experience. In the suit brought by the Pennsylvania Association for Retarded Children, the Court decided against the Commonwealth of Pennsylvania stating that since a free public education is available to all its children, access to free public education and training programs could not be denied any mentally retarded child.

The Connecticut General Statutes, in section 10-4a, provides that "each child shall have for the period prescribed in the general statutes equal educational opportunity to receive a suitable program of educational experiences." This means exceptional children, too.

Another goal of special education is to develop the individual to his greatest potential. Good programs can help develop the competence of exceptional children and consequently strengthen their capacity to function as contributing members of society. Experts in the field of special education

agree that the expenditure of public funds to educate a handicapped child is a bargain, worth about a quarter million dollars to society--half in reduced welfare and institution costs and half in increased productivity.

General Findings

This study points out a number of problems of special education in Connecticut. Much of the difficulty in solving them stems from preconceived notions and ideas of those in responsible positions as well as the inflexibility of the present educational system.

(1) Finances

Many towns do not make a large financial commitment to provide necessary programs in special education. Rather, they prefer to rely on greater amounts of state aid to assist them. It should be recognized, however, that local boards of education have a moral commitment to provide the necessary programs to exceptional children whether state aid is forthcoming or not. They cannot simply offer programs to "normal children," while ignoring youngsters with educational disabilities.

In relationship to funding, we shall concentrate on problems associated with the post-payment of the state reimbursement, the assignment of funds directly to the town general fund instead of to the school district, and an increase in state funding from the present sixty-six and two-thirds percent to a greater percentage.

(2) Programs

There is a lack of programs for exceptional children in Connecticut, both in terms of quantity and quality. Many schools offer token programs, only to pay "lip service" to the mandate of the law. The programming is inflexible and does not afford coverage for all disability areas or for all

grade levels. The identification process does not work well, since not all children with learning problems are identified, and some are identified at too-late an age, and in many instances inappropriate programs are prescribed. Qualified manpower is lacking. There are too-few well-trained teachers, aides, supportive professionals, diagnosticians, and administrators for special education. Better inservice training is necessary. More has to be done to coordinate the special education programs with the total education programs; there is a need for new concepts to make special education more effective. Many educational administrators are not sufficiently familiar with the peculiar problems of special education; many are resistant to changes which might increase the effectiveness of special education programs. Too often, the concerns and interests of parents of exceptional children are ignored, even though parents should be involved with their children's problems and programs. Facilities for special education are inadequate. Greater emphasis should be placed by the state and local boards on diagnostic facilities, on regional day and residential special education centers, and on resource centers.

(3) The Law

The special education law is considered by experts and laymen alike to be basically sound. It embodies worthwhile concepts, but its application leaves much to be desired. This is because no detailed enforcement powers are given the state to ensure that the law is really implemented. There are varied interpretations of the meaning and the intent of the law on a district-by-district basis, thereby weakening its effect; the reimbursement formula has a built-in bias against substantial per pupil efforts; and there are no planning requirements for program development. Many of the regulations drawn up by the Department of Education to implement certain sections of the law are ignored by local districts and are not enforced by the state.

(c) The Role of the State

The state Department of Education can play a significant role in the development of special education, but does not. Although state consultants are knowledgeable, hardworking, and deeply concerned with special education, the job is simply not being done. The Bureau does not provide leadership. It does not establish directives and offer firm guidance to local school districts. The Bureau is not really aware of which programs are working well and which are working more poorly.

I. FINANCING SPECIAL EDUCATION

Adequate financing of special education programs is a major concern of those who must make decisions in the field of special education as well as the parents of children affected by the programs. By their nature, special education programs are more costly than regular education programs. As their number increases, so do their costs and the importance of various methods by which they are funded.

Connecticut uses a type of per pupil excess cost reimbursement formula to channel state funds to the towns for special education. The state shares with the local districts the costs of providing special programs. As state contributions have increased, inequities in the formula have become more apparent. As resources become limited, greater attention should be paid to meeting the financial problems posed by program growth and increased costs.

THE FORMULA

In accordance with Section 10-76g of the Connecticut General Statutes, any school district which provides special education programs and services in compliance with the law and regulations shall be reimbursed by the state two-thirds of its net cost of special education for the preceding school year. The net cost of special education is derived by subtracting special education income from special education costs, and from the remainder, deducting the average per pupil cost for the school district times the total number of full-time special education students.

The reasons for the deduction of the per pupil cost of full-time special education students is two-fold. First, if the exceptional child spends two-

thirds or more of his time with teachers whose salaries are included as special education costs, it means his instructional program has been primarily provided by special education personnel and he is classified as a full-time special education student. However, if this same child were in a regular classroom for more than one-third of his academic program, the school would have to make substantial provision for him in its regular program and he would be classified as a regular student for purposes of computing special education costs. Children sent by local boards of education to private schools or state residential facilities for educational purposes are classified as full-time special education students.

The average per pupil cost is deducted only for those students who spend full-time (two-thirds or more) in special programs and for whom the district did not have to make major provision in its regular education programs. The rationale for this is that the school district would have had to provide a program for those children regardless of whether it was special education or not. Thus, school districts with high per pupil effort and those with large numbers of students in full-time special education classes are disadvantaged by the computation of the grant, and as a result receive a lower amount of state reimbursement.

The second major reason for the per pupil deduction is that the formula encourages "mainstreaming." What this means is that exceptional children are kept in regular classes and programs as much as possible and are removed only for required special education services. Although "mainstreaming" is making headway in Connecticut, the formula discriminates against those school districts with exceptional children who require full-time programs in special education.

The greater a school district's per pupil effort and the greater its number of students in full-time special education programs, the smaller its

net special education cost, and the smaller the state reimbursement. The following table comparing three towns shows the effect of the two formula provisions. Assuming all other factors except for pupil cost, are equal in Towns A and B, and all except for the number of full-time special education students are equal in Towns A and C, the state reimbursement will differ accordingly.

Table II. Application of Special Education Funding Formula

	TOWN A	TOWN B	TOWN C
TOTAL SPECIAL EDUCATION COSTS	\$2,508,927	\$2,508,927	\$2,508,927
LESS SPECIAL EDUCATION INCOME			
TUITION	<u>(\$22,501)</u>	<u>(\$22,501)</u>	<u>(\$22,501)</u>
NET SPECIAL EDUCATION COSTS	\$2,486,476	\$2,486,476	\$2,486,476
NUMBER OF STUDENTS FULL TIME IN SPECIAL CLASSES	1,095	1,095	864
PER PUPIL COST	\$1,064	\$900	\$1,064
PER PUPIL PRODUCT	<u>(\$1,165,000)</u>	<u>(\$985,500)</u>	<u>(\$919,296)</u>
NET SPECIAL EDUCATION COSTS FOR REIMBURSEMENT PURPOSES	\$1,321,476	\$1,500,976	\$1,567,180
STATE GRANT (TWO-THIRDS OF ABOVE)	\$880,895	\$1,000,550	\$1,044,682

With Town A having a high number of full-time special education students (1,095) and a high per pupil cost (\$1,064), it receives \$119,655 less from the state than Town B with a lower per pupil cost (\$900) and \$163,787 less than Town C with a lower number of students full-time in special education classes (864).

While the present formula embodies several worthwhile concepts, it does not give weight to a town's effort in the area of education, thereby penalizing the town for making a financial commitment to education in all areas. Therefore,

- (1) THE DEPARTMENT OF EDUCATION SHOULD STUDY ALTERNATIVE FORMULAS REGARDING THE DISTRIBUTION OF STATE GRANTS FOR SPECIAL EDUCATION AND REPORT THE FINDINGS AND RECOMMENDATIONS TO THE JOINT COMMITTEE ON EDUCATION AND THE JOINT COMMITTEE ON APPROPRIATIONS BY FEBRUARY 15, 1973.

POST PAYMENT

The present method of funding special education by the state is on a post payment basis. This means that special education costs incurred by school districts in fiscal year 1971 will be reimbursed by the state, under provisions of the formula, in fiscal year 1972. There is no deadline for payment of the reimbursement by the state, and according to department procedure, special education grants are among the last paid. These procedures impede the growth of special education programs. An interesting sidelight is that many of the grant applications must be returned by the state to the towns for adjustments and clarification because of apparent errors and miscomputations. This means state grant payments are made later than necessary. Most towns are reluctant to provide for additional outlay of funds for new and expanded programs prior to receipt of funds from the state, and because of limited local financial resources, towns have difficulty meeting most local needs. Payment of all current costs of special education programs by the state is financially impossible at this time, but there is still an urgent need to devise a method that will encourage rather than discourage program growth. Therefore,

- (2) A SPECIAL EDUCATION APPROPRIATION SHOULD BE MADE TO PAY CURRENT COSTS OF NEW AND EXPANDED PROGRAMS ON A PERCENTAGE BASIS; THE STATE SHOULD ALSO BE REQUIRED TO MAKE PAYMENT OF SPECIAL EDUCATION GRANTS BY DECEMBER 15 OF EACH YEAR.
- (3) THE DEPARTMENT SHOULD STUDY THE FEASIBILITY OF PHASING IN PARTIAL PAYMENT OF CURRENT COSTS AND REPORT ITS FINDING TO THE JOINT EDUCATION COMMITTEE AND THE JOINT APPROPRIATIONS COMMITTEE BY FEBRUARY 15, 1973.

CATEGORICAL GRANTS

The General Assembly appropriates funds for grants for special education purposes on a categorical basis. Once these funds leave the state treasury, however, they are neither categorical nor aimed directly at solving special education problems. The funds go into the town treasuries as general funds, available to meet any current obligations of the towns. Funds earmarked for special education at the state level certainly ought to be used for those purposes at the local level. Therefore,

- (4) IN ORDER TO FACILITATE PROGRAM GROWTH, FUNDS SHOULD BE CHanneLED DIRECTLY TO THE SCHOOL BOARDS OR TOWN BOARDS SHOULD BE REQUIRED TO REAPPROPRIATE SPECIAL EDUCATION GRANT RECEIPTS TO BOARDS OF EDUCATION.

FEDERAL FUNDS

According to the Bureau of Education for the Handicapped in the Department of Health, Education, and Welfare, the state of Connecticut does not receive as great a benefit as possible from federal funds for special education. In the funding of project proposals, the state does not realize all the benefits that could be derived from the utilization of federal funds. There is insufficient emphasis on solving the major problems of special education with available federal dollars: identification, programs for pre-school and secondary level students, programs for emotionally disturbed and learning disabled, programs in the rural and in the poor areas of the state. Also, there is limited use of the federal discretionary funds for experimental programs to find out what works and what does not work. Therefore,

- (5) THE DEPARTMENT SHOULD CONSIDER METHODS OF OPTIMIZING THE USE OF FEDERAL FUNDS, DIRECTING THESE FUNDS INTO NEED AREAS, AND USING THEM FOR EXPERIMENTAL PROJECTS.

EXPENDITURES

Since the enactment of the omnibus special education act in 1967,

Connecticut has reimbursed the towns a share of the cost of programs for all disability areas on a two-thirds of net cost basis. The growth in the number of programs has resulted in a significant increase in the state contribution to special education. Table III provides a picture of increases from 1967 to 1972 of state expenditures, including the annual changes, the number of full-time equivalent students served, and the per pupil cost based on the state's share of costs.

Table III. State Expenditures for Special Education Purposes, 1967-1972
(Includes Grants for Buildings)

YEAR	STATE GENERAL FUND ¹	% CHANGE	FTE STUDENTS ²	PER PUPIL COST
1968-69	\$ 7,344,674	+63.2	15,385	\$ 719.64
1969-70	11,071,627	+50.7	17,461	863.39
1970-71	15,075,684	+36.1	20,134	1,177.11
1971-72	19,950,000 ³	+32.3	22,915	N/A

(Note: Since state grants are paid a year after local school districts have incurred costs, FTE and per pupil cost for 1968-69 are computed on 1967-68 state grants and so.)

¹ State Comptrollers Office.

² Based on information from the Bureau of Pupil Personnel and Special Educational Services.

³ FY 73 Budget Document. Actual appropriation was \$23,700,000.

N/A - Not Available.

The growth in state costs is influenced by the effort of the local school districts. The initial outlay of funds for special education programs and services at the local level has gone up over 145 percent since the 1967-68 school year, the first year of the omnibus law. Table IV points out the local costs, the percentage of annual increase, the FTE students served, and the per pupil cost in special education.

As the table indicates, the growth rate has not been as great as it has been at the state level, and the annual rate of growth is slowing down. This is probably due in part to the strain on the local property tax and the maximization of revenue from that source.

Table IV. Local Expenditures for Special Education, 1967-1971
(Excess Costs)

YEAR	AMOUNT ¹	% CHANGE	FTE STUDENTS SERVED ²	PER PUPIL COST
1967-68	\$15,426,388	N/A	14,174	\$1,084.36
1968-69	21,874,869	41.8	15,385	1,421.83
1969-70	29,201,899	33.5	17,461	1,672.41
1970-71	37,880,159	29.7	20,134	1,881.40

¹Summary of Net Cost from EDO40 Form, Special Education Grant Application Form, Department of Education, Line JJ.

²Based on information from the Bureau of Pupil Personnel and Special Educational Services.

N/A - Not Available.

The following comparison of state and local efforts will further detail the impact of the state sharing special education costs, which have continued to increase annually.

Table V. Comparison of State and Local Special Education Costs

YEAR	LOCAL EFFORT ¹	YEAR	STATE GRANTS ²	STATE % OF LOCAL COST
1967-68	\$15,426,388	1968-69	\$ 7,344,674	47.6
1968-69	21,874,869	1969-70	11,071,627	50.6
1969-70	29,201,899	1970-71	15,075,684 ³	51.6
1970-71	37,880,159	1971-72	19,950,000 ³	52.7

¹Summary of Net Cost from EDO40 Form, Special Education Grant Application Form, Department of Education, Line JJ.

²State Comptrollers Office.

³FY 73 Budget Document, estimate.

While local efforts in special education have grown, the percentage of funds expended for special education programs has not varied greatly. Table VI compares local special education costs with total education effort at the local level. There appears to be a growth rate of about one percent per year on a statewide basis; however, allowing for the state reimbursement, the percentage has a smaller rate of growth.

On a per pupil comparison, special education programs have been increasing in costs at a rate greater than regular education programs. While regular

Table VI. Local Special Education Costs as Percent of Total Education Costs

YEAR	TOTAL LOCAL EDUCATION EFFORT	LOCAL SPECIAL EDUCATION EFFORT	SPECIAL EDUCATION % OF TOTAL	NET SPECIAL EDUCATION COSTS	NET SPECIAL EDUCATION % OF TOTAL COSTS
1967-68	\$320,563,715	\$15,426,388	4.8	\$ 8,801,714	2.5
1968-69	374,038,734	21,874,869	5.9	10,803,242	2.9
1969-70	419,780,041	29,201,899	6.9	14,126,124	3.4
1970-71	485,374,011	37,880,159	7.8	17,930,159	3.7

¹Connecticut Public Expenditure Council

²Summary of Net Cost from ED040 Form, Special Education Grant Application Form, Department of Education, Line JJ.

³Summary of Net Cost from ED040 Form minus state reimbursement.

program per pupil costs have increased 42 percent, from \$628 to \$893, between the 1967-68 and 1970-71 school years, special education program per pupil costs have grown over 75 percent in the same period, from \$1,088 to \$1,881. Table VII shows this comparison over the years.

Table VII. Regular Per Pupil Costs Versus Special Education Per Pupil Costs

YEAR	PER PUPIL COSTS REGULAR EDUCATION PROGRAMS ¹	% INCREASE	PER PUPIL COSTS SPECIAL EDUCATION ²	% INCREASE	DOLLAR DIFFERENCE BETWEEN REGULAR AND SPECIAL EDUCATION
1967-68	\$628	N/A	\$1,088	N/A	\$460
1968-69	704	12.1	1,422	30.7	718
1969-70	783	11.7	1,672	17.6	884
1970-71	893	13.3	1,881	12.5	984

¹Connecticut Public Expenditure Council.

²Based on information from the Bureau of Pupil Personnel and Special Educational Services.

N/A - Not Available.

A survey of several towns in Connecticut revealed that program costs on a per pupil basis were difficult to derive by school district. Even total program costs were hard to obtain. Different record-keeping methods and budget and accounting techniques found in each district account for this difficulty. Comparable cost data and other financial information are not

easily gathered from individual towns. The Bureau of Pupil Personnel and Special Educational Services does not have program cost information available on a district-by-district basis or a statewide basis. The present financial information system used in Connecticut does not permit a judgment to be made on what a quality special education program costs.

Utilizing cost indices developed as a result of the National Education Finance Study in the area of special education, information regarding per pupil costs on a program-by-program basis can be computed. The indices represent the relationship between per pupil expenditures in a school's regular program and the per pupil expenditures in a special education program. By multiplying Connecticut's 1970-71 per pupil effort for regular education, \$893, by the cost index for each disability area, computations can be completed which show what a quality special education program costs. The cost indices include both direct and indirect costs associated with special education programs.

Table VIII. Expected Per Pupil Expenditure and Marginal Cost
Per Pupil in Special Educational Programs Based
On Per Pupil Costs in Regular Programs

DISABILITY AREA	COST INDEX	REGULAR COST	SPECIAL ED	DIFFERENCE REGULAR AND SPECIAL ED
Gifted	1.14	\$893	\$1,018	\$ 125
Educable M. R.	1.87	893	1,669	776
Trainable M. R.	2.10	893	1,875	982
Hearing Impaired	2.99	893	2,670	1,777
Visually Impaired	2.97	893	2,652	1,759
Speech Impaired	1.18	893	1,053	160
Physically Handicapped	3.64	893	3,250	2,357
Learning Disabled	2.19	893	1,929	1,036
Emotionally Disturbed	2.83	893	2,527	1,634
Multi-Handicapped	2.73	893	2,438	1,545
Homebound/Hospital	1.42	893	1,263	375
AVERAGE		\$893	\$2,031	\$1,138

(Source: Educational Programs for Exceptional Children: Resource Configurations and Costs. National Educational Finance Project, Special Study No. 2, Richard Rossmiller, James Hale, and Lloyd Frohreich)

The administrative expenditures of the Bureau of Pupil Personnel and Special Educational Services have been small compared to the overall state special education effort. The costs have risen from \$157,400 in fiscal year 1969 to an estimated \$300,000 in fiscal year 1972. Figures before 1969 could not be obtained. Of course a key consideration involved in total special education at the local level is the amount of dollars expended for administrative purposes. No data or information is available on such costs, but should be collected and analyzed.

OTHER STATE AGENCIES

State funds are expended by state agencies other than the Department of Education for purposes of providing education programs and services to handicapped children. The Department of Health's Office of Mental Retardation, the Department of Mental Health, and the Department of Children and Youth Services have spent substantial amounts for education and training of the handicapped youth. A breakdown of how much the state departments have funneled into programs for education of the handicapped at the various institutions is difficult to obtain. Educational programs at these institutions need much improvement and some assurances built in'as to their effectiveness.

The state residential institutions play an important role in the offering of services to handicapped children, especially the severely disabled. These facilities are used to provide alternative programs for exceptional children requiring high impact treatment and 24-hour care. For such children the residential centers usually offer the best source for such programming. Connecticut has established ~~centers~~ centers for the mentally retarded, the emotionally disturbed, and the speech impaired. The following table lists the per patient costs at these state facilities. Projecting some of these costs over a longer period of time will give an indication of what alternative costs might be for

not providing adequate special education programs for a number of handicapped children.

Table IX. Per Patient Costs At State Facilities For The Handicapped

FACILITIES	Fiscal Years				
	1966-67	1967-68	1968-69	1969-70	1970-71
Southbury Tng Sch	\$3,110	\$3,521	\$3,587	\$4,395	\$5,214
Mansfield Tng Sch	3,546	4,119	4,762	5,422	6,640
CT Valley Hospital	5,029	6,542	7,872	8,164	9,872
Norwich Hospital	4,507	5,955	7,444	8,770	10,724
High Meadows	17,604	17,876	20,359	18,440	19,442
Mystic Oral Sch	3,219	3,015	3,533	3,993	4,444
CT School for Boys	N/A	N/A	N/A	12,369	16,300
Long Lane for Girls	N/A	N/A	N/A	7,657	14,844

N/A - Not Available
(Source: Comptrollers Office)

The state provides financial assistance to two other facilities--the American School for the Deaf and Newington Children's Hospital--for the handicapped within the state. The state also pays for the out-of-state placement of several aphasic children who were placed in out-of-state schools prior to the passage of the 1967 law. Each child is eligible for a grant of up to \$3,600. Table X lists the state financial assistance provided for fiscal years 1968 to 1972.

Table X. State Assistance to Schools For The Handicapped

FACILITIES	Fiscal Years				
	1968	1969	1970	1971	1972
American School	\$372,585	\$903,535	\$1,100,000	\$1,140,000	\$1,270,950
Newington Hospital	62,500	66,080	59,640	53,312	52,820
Out of State Place- ments for Aphasics	73,818	52,450	36,300	21,600	34,700

(Source: Comptrollers Office)

FEDERAL AND PRIVATE CONTRIBUTIONS

The federal government, primarily through the Elementary and Secondary Education Act of 1965 and its amendment, has begun to allocate more funds for education of the handicapped. Gifts to the state for educating exceptional children from private sources have been almost negligible through the years. Table XI shows the amount and percentage of federal (and private) contributions to special education.

Table XI. Federal and Private Contributions to Special Education

YEAR	TOTAL TO DEPARTMENT OF EDUCATION	SPECIAL EDUCATION	% SPEC EDUCATION
1967-68	\$24,004,359	\$ 641,023	2.7
1968-69	30,788,245	800,787	2.6
1969-70	24,923,659	1,243,495	5.0
1970-71	34,489,980	1,458,594	4.2

(Source: Comptrollers Office)

CONCLUSION

The state and local governments have spent much on special education programs and services, especially in the years since 1967. There is little evidence, however, to show that these funds have done any more than merely support programs for meeting the educational needs of the handicapped. Programs must, of course, be available. But we must know also whether such programs are appropriate and effective for children who are supposed to benefit from them. Increased funding does not in itself solve problems, not unless programs that are funded are effective. It is necessary to have information which will help in assessing program effectiveness. The lack of accurate and adequate financial data needed for computing program and other costs of special education hinders meaningful analysis of the impact of the funds expended for special education.

II. IMPROVING SPECIAL EDUCATION

While there is insufficient information to evaluate special education programs, available evidence demonstrates the need for improvement in the organization and practices of the Department of Education, the regulation and enforcement of special education activities and laws, the regionalization of program effort, and the coordination of state programs and services in the domain of special education. Much of the following relates to the delivery of programs, but does not deal directly with their quality. We believe, however, that certain changes will have an impact on the quality of programs and thereby, contribute to meeting the educational needs of the state's exceptional children.

ORGANIZATION

The state Department of Education's duties in the area of special education are spelled out in Sections 10-4 and 10-76b of the General Statutes. Examination of the status of special education reveals neither full nor adequate compliance with the law. This is not entirely the fault of the Bureau of Pupil Personnel and Special Educational Services. Part of the responsibility lies with the upper echelon of the Department and with the State Board of Education, where ultimate decisions relating to education and department policy are formulated. The Legislature must also accept its share of the responsibility for not insisting on compliance and for not reviewing the accomplishments of the Department as it supervised implementation of the law. The local boards of education can also be faulted. Regardless of where the responsibility resides, the fact is that mandates of the statute have not been met.

State leadership in special education has been essentially passive and reactive. According to the Council for Exceptional Children, the failure of most states to provide leadership encourages reluctance by the local education agencies to provide exceptional children with special programs. This general description fits the situation in Connecticut. The state Department of Education is aware of the problems in the field of special education, but has little idea whether special education programs are working well or not. It has not developed means to acquire the necessary information to determine program effectiveness. It has not taken steps to enforce the law so that the needs of handicapped children are met. It has not developed information on successful classroom learning situations that can be used as models. It has not made optimum use of federal funds.

In Connecticut there is not only a lack of direction, but also a lack of firmness in requiring compliance with the special education law. State officials feel that it is up to "the local boards of education to see that the law is carried out." The state consults and advises, but it seldom enforces. The consultant for the mentally retarded, for example, writes in the Bureau's Annual Report for 1970-71:

The policy of this department with respect to the enforcement of regulations and law has to become stronger; i.e., there has to be greater insistence on the part of the department that local boards of education obey state laws and regulations. (p. K-4, 1970-71 Annual Report)

The Bureau should find out what other states are doing and learn how they cope with day-to-day problems. Developing the best of systems requires this kind of effort and leads to a more meaningful role in special education.

(1) Bureau of Special Education

The Bureau of Pupil Personnel and Special Educational Services has no formal organizational breakdown between pupil personnel services and special

education except in terms of staff assignments. A Bureau chief and seventeen full-time consultants, eight of whom are assigned to special education, make up the professional staff of the Bureau. Presently, there are three vacancies in the Bureau. According to the Bureau, the consultants spend one-third of their time consulting and only about seven percent on regulatory activities. The rest of their time is divided among various other activities.

As a result of the combination of the special education duties with the pupil personnel services functions, special education loses visibility within the organizational structure. Special education is aimed at an identifiable sub-population within the total school population, whereas, pupil personnel services are aimed at the total school population. Therefore,

- (6) A SEPARATE BUREAU OF SPECIAL EDUCATION SHOULD BE ESTABLISHED IN THE DEPARTMENT OF EDUCATION TO ADMINISTER THE STATE'S OBLIGATIONS UNDER THE SPECIAL EDUCATION LAW, OTHER PERTINENT STATUTES, AND REGULATIONS.

(2) Forms Committee

One influence on the Bureau's data collection efforts as well as those of the entire Department is the so-called forms approval committee. This committee, made up of three school superintendents and three employees of the Department, functions to screen and review all proposed departmental data and survey forms. According to sources in the Bureau, the committee was formed at the request of school superintendents to reduce the number of forms required to be responded to as well as the duplication of information requested. One Bureau consultant, in the Bureau 1970-71 Annual Report, expresses his ideas about the role of superintendents, which reflects the work of this committee:

Although recommendations from superintendents are important and in some instances critical to the success of much of what the Bureau does, I sometimes feel that they have a veto power over some of our activities, such as general mailings, data gathering, visiting schools, and evaluating programs. (p. 8-10, 1970-71 Annual Report)

Allowing this committee to have near veto power over data collection illustrates the passive role of the state Department. Therefore,

- (7) THE EXISTING FORMS APPROVAL COMMITTEE SHOULD BE REPLACED WITH AN INTERNAL DEPARTMENT-WIDE DATA COLLECTION COORDINATION COMMITTEE, WHICH WOULD REVIEW DEPARTMENT DATA NEEDS. AN ADVISORY COMMITTEE ON DATA COLLECTION, MADE UP OF LOCAL SCHOOL OFFICIALS, SHOULD BE ESTABLISHED TO ADVISE ON SUCH DEPARTMENT ACTIVITIES.

(3) Field Audits

The state Department of Education does not audit the state grants distributed to school districts to see that the funds are spent in compliance with the laws and regulations governing their use. In the process of paying grant claims, for instance, one check made of the local districts by the state is when an employee of the Bureau of Educational Management and Finance notices a significant change in the figures on the grant application over the previous year's, a call is then made or a letter is sent out to the superintendent requesting clarification of the change. There is no assurance that the state funds are spent according to law, and no assurance that the necessary programs are being provided.

In the Bureau of Pupil Personnel and Special Educational Services, one consultant, who reviews the grant applications of the local districts, claims to have "saved" the state over \$50,000 in fiscal year 1972 by asking questions and requesting justifications of the figures on the ED 040's, the special education grant application, submitted by the local school districts. The errors made by the LEA's are unintentional; nevertheless, the state should hold the local school districts accountable for the expenditure of these funds. A fiscal and program-type audit done on a selected basis would ensure accountability, especially in special education and other categorical grant programs. Therefore,

- (8) A FIELD AUDIT SECTION SHOULD BE ESTABLISHED IN THE DEPARTMENT TO REVIEW THE EXPENDITURES OF STATE GRANTS BY THE LOCAL EDUCATION AGENCIES. THE AUDIT SHOULD BE A COMBINATION FISCAL AND PROBLEM-TYPE REVIEW. IN THE ESTABLISHMENT OF THE AUDIT OPERATION, A SELECTED AUDITING APPROACH OF TOWNS SHOULD BE CONSIDERED.

(4) Federal Fund Coordinator

The Department does not have anyone to oversee the obtaining and use of federal funds on a department-wide basis. Each bureau or division which has access to federally funded programs is responsible for meeting requirements of the programs in its own area. This fragmented approach creates a potential for duplication of effort and loss of federal funds that may fall between programs. The Governor's Commission on Services and Expenditures reported that closer scrutiny be maintained by the state of federally funded educational programs. Therefore,

- (9) A PERSON SHOULD BE DESIGNATED AS COORDINATOR OF FEDERAL FUNDS IN THE DEPARTMENT OF EDUCATION TO HELP MONITOR REQUESTS FOR AND THE USE OF FEDERAL FUNDS. EVALUATION OF FEDERALLY FUNDED PROGRAMS AND PROJECTS SHOULD ALSO BE COORDINATED BY THIS PERSON.

REGULATION

Increased regulation and enforcement of special education and related activities by the state Department of Education appear necessary. The Department should be more concerned with the child and how he is being served. The following analysis points to some present inadequacies in the regulatory activities of the Department.

(1) Identification

Probably the most important aspect of special education is the identification process. This is the critical point in the life of a child who has a potential learning problem. Effective identification procedures can be of great benefit; inadequate procedures can do harm. Identification is simply

the process of locating children with learning problems, diagnosing the problem, and prescribing an educational program to meet the problem.

The special education law refers to identification in two places. In Section 10-76b, the law states: "The secretary [of the State Board of Education] shall designate by regulation, subject to approval of the state board of education, the procedures which shall be used to identify exceptional children." The other reference is made in Section 10-76d, which mandates local boards to provide the professional services requisite to identification of school age children requiring special education, to identify such children within their jurisdiction, to determine their eligibility for such programs, and to prescribe the methods and procedures to be followed resides with the state.

A review of the administrative regulations reveals that the state Department is lax in carrying out its duties. Section 10-76b-7 of the regulations requires the following:

The board of education shall design and implement a plan for studying its school population to identify children requiring special education, a plan for identifying pre-school children who meet the criteria established by the state board of education and a plan for identifying other exceptional children for whom the boards of education intends to provide special education. The board of education shall submit such plans to the secretary for his approval in such form and at such time as he may require.

The state's procedure for identification is to have local districts prepare plans. Permitting local plans for identification might prove to be more effective if the state required that such plans be submitted to the Department as stated in the regulations. Presently, local board identification plans are not on file at the Bureau's office in the State Office Building.

An informal survey of several school districts showed that local districts do not have prepared plans for identification of exceptional children. Among the responses to a question about the identification plans, were the following: "Referral system to diagnostic team;" "Yes, referral to coordinator of

of special education;" "referral to pupil planning and placement teams." The plans are required by regulation to include the categories of professional personnel to be part of the planning and placement teams, the committee which prescribes a program for an exceptional child; the guidelines to be used in preliminary identification; the procedures for referral of children who may need special education to the planning and placement team; and the procedures to be used to determine if further diagnosis is necessary. One important requirement of the plan is that "all children who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance shall be referred to a planning and placement team." This presumably is construed to be a safeguard against multiple suspensions, which are usually found to be a principal's solution for the care of a problem child.

Not only is identification an important part of special education, but the time in the life of a child when it is done is of equal importance. The earlier a child is identified and placed in a program designed to meet his educational problems, the better off he will be. Experts feel that early identification and treatment of handicapping conditions will compensate for and possibly alleviate the condition, thereby permitting participation in the regular educational program with minimal special education assistance. According to several leading professionals in the field, many Connecticut children are not identified until they are nine or ten years old, thereby complicating their problems. This is especially true of the child who is marginal and whose disability is not apparent. The Connecticut Mental Retardation Planning Project Report, Miles To Go, written in 1966, states:

There must be a procedure for early detection of problems. Attention must be given to the prevention and amelioration of problems which may cause trouble for the child if he has not been detected in the pre-school

program. Too frequently, children have had long experiences with frustrating school situations before any effort is made to determine the exact nature of their learning problems. (p. 37)

Early identification will have a long range fiscal impact because less programming will be required as students grow older and overcome their learning disabilities, meaning less costly programming methods being employed.

The need for change in the current identification process is evidenced in the estimates of children served and those not being served by special programs. Based on somewhat questionable incidence figures discussed earlier in this report, the Bureau estimates that about 50 percent or 45,000 children who require some type of special education are not being served, and since there are very few waiting lists found in public schools of children needing special education, that means most of the children have not been identified. Even a more conservative estimate of those not identified is still alarming and makes it apparent that more must be done in this phase of special education, both in terms of procedures and financial commitment. Therefore,

- (10) THE DEPARTMENT OF EDUCATION SHOULD PRESCRIBE PROCEDURES FOR IDENTIFICATION OF EXCEPTIONAL CHILDREN, WITH EMPHASIS ON EARLY IDENTIFICATION; LOCAL BOARDS OF EDUCATION SHOULD BE REQUIRED TO MAINTAIN ONGOING PROGRAMS OF SCREENING AND DIAGNOSIS OF EXCEPTIONAL CHILDREN, AND THE STATE SHOULD PROVIDE REGIONAL DIAGNOSTIC FACILITIES TO ASSIST IN THE PROCESS; OTHER PUBLIC AGENCIES ON THE STATE AND LOCAL LEVELS SHOULD BE REQUIRED TO ASSIST IN THE PROCESS ALSO; AND REPORTING INFORMATION TO THE DEPARTMENT OF EDUCATION SHOULD BE PART OF THE IDENTIFICATION PROCEDURE.

(2) Exclusions

The special education law permits children requiring special education to be excluded from school privileges with approval of the state Commissioner of Education. The process is formal and, according to the Bureau, is rigorous. This process is supposed to apply only to those who are severely handicapped and are "not able to benefit from a special education program." (Guidelines, p. 24.) The number of exclusions granted by the Commissioner of Education have been fairly constant, running around 25 or 30 per year since 1967.

Based on the concept of equal educational opportunity for all children, why are certain handicapped children being formally and in many instances, informally through the suspension route, excluded from taking advantage of that opportunity? In this day and age of varied educational programs and methods of teaching, there is no reason why a child should be excluded from some type of education or training program. The recent right to an education lawsuit in Pennsylvania found the court approved consent agreement providing that the "Secretary of Education shall be responsible for assuring that every mentally retarded child is placed in a program of education and training appropriate to his learning capacities."

- (11) SECTION 10-76D OF THE GENERAL STATUTES SHOULD BE AMENDED TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ASSURE THAT CHILDREN EXCLUDED FROM SCHOOL PRIVILEGES HAVE ACCESS TO FREE PUBLIC EDUCATION OR TRAINING PROGRAMS APPROPRIATE TO THEIR LEARNING CAPACITIES; GREATER STATE CONTROL SHOULD BE EXERCISED OVER SUSPENSIONS.

(3) Program Approval

The programs provided for exceptional children are established on the local level according to the needs of the children the programs are intended to serve. The state has issued guidelines which local districts are to follow when implementing programs and services, and the regulations, promulgated by the Department, require state approval of special education programs.

The program approval procedure specified in the regulations has not been effectuated by the Bureau. This means that there is no control exercised by the state over the type and quality of special education programs.

The regulation, section 10-76b-9(a), states:

The board of education shall submit to the secretary [of the State Board] an application for approval of its special education programs in such form and at such time as the secretary shall require. The application shall include a description of all programs to be provided for exceptional children.

The responsibility for this regulation not being complied with lies at the state level since the Secretary of the State Board is to provide the forms and timetable for the process. Other states require approval of programs by state departments of education. Oklahoma requires a "Declaration of Intent to Teach a Class in Special Education" to be filed by July 1 and an "Application for Conditional Pre-approval Plan to Teach a Class in Special Education" be submitted not later than 30 days after the class is organized. This procedure ensures that the state knows what programs are being provided and supplies information that can be used to evaluate the impact and effectiveness of the programs.

Such a program approval process could be instituted in Connecticut as an instrument for collecting program information and keeping track of programs. This process could be tied to the evaluation scheme which the Bureau is suggested to develop and implement later in this report.

The Bureau does collect some data on survey forms ED 042 and ED 042a which it intends to use for program approval purposes. This information will not provide a description of the program or a listing of its objectives, both of which are essential to evaluating programs. Compliance with the regulation will result in much useful program information. Therefore,

- (12) THE BUREAU SHOULD ESTABLISH A PROGRAM APPROVAL PROCEDURE TIED TO THE EVALUATION PLAN, WHICH THE BUREAU IS SUGGESTED TO DEVELOP AND IMPLEMENT.

(4) Teacher Certification

An important component of special education is the teacher, since special education usually involves a low student-teacher ratio. The training of teachers is likely to have a considerable impact on their performances and consequently, on how effectively students in special education are served.

The General Statutes permit the State Board of Education to prescribe teacher certification regulations, and in accordance with this law, sections 10-146-24 to 26 of the regulations contain the requirements that must be complied with before a teacher can be certified. Teachers of handicapped children are certified to teach the mentally handicapped, physically handicapped, blind, partially sighted, deaf, speech and hearing impaired. Teachers of the emotionally disturbed and learning disabled are not required to be certified or trained as special education teachers under present regulations.

The problems with Connecticut's special education certification today are two-fold: first, it is not required of all teachers of exceptional children, and second, it is limited in that the teachers are only certified to teach in their area of specialization, i.e., mentally handicapped. As has been pointed out, teachers of the learning disabled, emotionally disturbed and several other areas of disability are not required to have special training; however, colleges and universities do offer teacher training programs for these areas. Also, the limit imposed by the certification requirements curbs the flexibility of the teachers, especially in a rural area where there is a low incidence of exceptional children and the need is for a generalist to meet the program requirements. This also has an impact on the programs offered to the multiply handicapped, who require two or more teachers to meet their needs.

For the past two years, there has been a movement underway, headed by the state consultant for the emotionally disturbed, to correct these problems. New certification regulations have been drafted to permit teachers to better meet the needs of the handicapped by including all teachers of the handicapped, except for the blind, deaf, and speech and hearing impaired, under a general special education certificate. This general certificate will also give freedom of movement to teachers because they will be able to move from child to child, regardless of the label, to treat and teach to individual learning

problems. The teacher training programs will permit teachers to "major" or concentrate in a selected disability area.

It is generally agreed that through the use of new certification regulations, educational needs of the students will be met in a more meaningful approach. Also, the proposal will lend itself to reducing the shortage of special education teachers to an extent because it will permit mobility in teaching assignments. Therefore,

- (13) THE STATE BOARD OF EDUCATION SHOULD ADOPT THE PROPOSED SPECIAL EDUCATION TEACHER CERTIFICATION REGULATIONS AND BEGIN TO PLAN FOR THEIR IMPLEMENTATION.

(5) Facilities

One problem in special education is the insufficient number of classrooms, resource rooms, and other facilities. The state provides funding to local districts for purposes of constructing classrooms for regional special education programs, but supplies no funds for single district construction for special education facilities. However, Section 10-206 of the General Statutes provides for school building grants and as such, appears to be a possible source of funds for addition of necessary classroom space. Something should be done to assure the availability of adequate space for special education purposes; the state should exert some control over the construction of new and expanded school buildings to meet this need. Therefore,

- (14) THE BUREAU OF PUPIL PERSONNEL AND SPECIAL EDUCATIONAL SERVICES SHOULD BE REQUIRED TO REVIEW ALL PLANS FOR SCHOOL BUILDING CONSTRUCTION IN ORDER TO ENSURE ADEQUATE SPECIAL EDUCATION FACILITIES ARE INCLUDED, BASED ON TOWN OR REGIONAL NEEDS; IF PLANS ARE DEFICIENT, THE BUREAU SHOULD TAKE APPROPRIATE ACTION TO ALTER THE INTENTIONS OF THE PLANS AND THE DEPARTMENT OF EDUCATION WITHHOLD APPROVAL OF THE PLANS UNTIL AGREEMENT IS REACHED.

(6) Private Schools and Contracts

Private schools and agencies play a key role in the provision of programs to many of Connecticut's exceptional children. The law permits local boards of

education to contract with private schools and agencies for certain services. This practice is considered by the Bureau to be an interim step, necessary on a large scale until programs can be provided by the public sector.

The Bureau provides guidelines to the boards of education to follow when a child is placed in a private facility. The procedures require the local boards to place only those handicapped children "for whom it is not feasible to provide special education through public school arrangements and for whom the board of education is obligated by law to provide special education." (p. 19, Guidelines).

The Bureau has the responsibility by law to approve contracts. These are required to be formal documents, specifying payment terms, indicating the nature of the special education to be provided, reporting the competency of the school, assuring exchange of information, stating the educational needs of the child, and demonstrating evidence of adequate consideration of comparable alternatives which are less costly. A standard form is not used in this process, and this makes for extra time and effort in reviewing and approving contracts.

As part of its responsibility for approving private school contracts, the Bureau has taken upon itself the task of making on-site visits to private schools in the state which provide special education programs. It will not approve contracts with a non-approved school. At present, over 50 private schools and agencies have been approved for the 1971-72 school year by the Bureau's three-member evaluation teams. The Bureau, however, does not have any procedure for approving private schools located out of state. The requirement that a contract contain a report as to the competency of the school is the only formal mechanism for knowing what a private out-of-state school has to offer. According to the Bureau, this method does not ensure or guarantee the adequacy of the programs to be offered.

Current regulation of private school placements is questionable. The Bureau interprets the law as distinguishing between private in-state and out-of-state schools; yet, the law does not make such a distinction. When referring to private out-of-state schools, a ranking department official says: "With schools outside [of the state] the mandate is to the local boards of education in their contract to get a guarantee that this program has some quality aspects, will meet professional standards and so forth." (Transcript, October 27, 1971, Committee Meeting). There has been no official delegation of power to the local boards to inspect out-of-state schools other than in the guidelines. The state is still responsible, because in approving the contract it tacitly approves the programs to be provided.

As questionable as the Bureau's approach in regulating private school placements is the number of children placed in private schools. As of December 9th, 748 children have been sent to private schools (569 in Connecticut and 179 out-of-state) at an estimated cost of over \$2,400,000 to the state and local governments. The Bureau calculates there will be close to 1,000 such placements at a cost of approximately \$4,500,000 before the present school year is completed.

A review by classification of the students placed in private schools indicates that the largest groups served with private school programs are the emotionally disturbed, the learning disabled, and the trainable mentally retarded. This suggests a need for publicly supported facilities in the state designed to meet the educational needs of children in these categories. In addition, students being served in pre-school programs are found mostly to be placed in private schools operated by parent groups and associations.

The General Assembly in the 1971 session addressed itself to the question of the use of private school facilities when it passed Special Act 92, requiring

a plan, feasibility study and cost study of the establishment of regional day centers and residential facilities for meeting the needs of those exceptional children whose needs are not being met by present public school arrangements. The Department of Education is to report its findings to the Education Committee in February, 1972. Therefore,

- (15) THE BUREAU SHOULD USE A STANDARD CONTRACT FORM FOR THE PRIVATE SCHOOL AGREEMENTS. THE AMOUNT PAID UNDER CONTRACT SHOULD BE TIED DIRECTLY TO THE DEGREE OF ACHIEVEMENT OF THE PUPIL.
- (16) THE BUREAU SHOULD ESTABLISH A MEANINGFUL PROCEDURE FOR ASSESSING PRIVATE OUT-OF-STATE SCHOOLS, SUCH AS NOT PERMITTING SCHOOL DISTRICTS TO SEND CHILDREN TO SCHOOLS IN A STATE WHICH DOES NOT APPROVE PRIVATE SCHOOLS OR LIMITING THE DISTANCE TO BE TRAVELED SO PARENTS CAN VISIT CHILDREN AND STATE DEPARTMENT PERSONNEL CAN EVALUATE THE SCHOOL AND PROGRAMS WITHOUT MUCH TRAVEL.
- (17) THE BUREAU SHOULD CONDUCT AN ANALYSIS AS TO WHY CHILDREN ARE PLACED IN PRIVATE SCHOOLS AND REPORT THE FINDINGS TO THE EDUCATION COMMITTEE AND THE APPROPRIATIONS COMMITTEE BY FEBRUARY 15, 1973.

(7) Clarification of Responsibilities

The definition of responsibilities is necessary to achieve the successful implementation of programs. Deciding which level of government has what responsibilities is one of the primary reasons why more is not being done in special education.

The Bureau feels that the local school boards should see the mandate is carried out. The dominant philosophy within the Bureau appears to be one of waiting for local initiative, then reacting to it. Instead of encouraging and enforcing compliance with the law by clarifying the responsibilities of the local education agencies, and the Bureau itself, the Bureau has chosen to take a passive approach to the application of the law. Clearer definition of obligations within the regulations should lead to greater activity in special education. Therefore,

- (18) THE BUREAU SHOULD FORMULATE A CLEARER DEFINITION OF VARYING RESPONSIBILITIES, ESPECIALLY IN TERMS OF THE LAW, STATE AND LOCAL OBLIGATIONS, AND CHILDREN'S RIGHTS.

(9) Appeals Procedure - Public Act 667

In order to provide a systematic appeal procedure for parents who are dissatisfied with their children's educational programs, the Legislature enacted Public Act 667 in the 1971 session. The law permits parents of a handicapped child to review with the local board of education, in a closed session, the school's decision regarding their child's educational program. If the decision is not satisfactory, the parents may appeal it to the state Department of Education. At that point, if a decision rendered is unsatisfactory, it may be taken to the common pleas court for judicial action.

Complaints regarding the administration of this law point out that there is no time limit required for the state Department to act, thereby stalling the proceedings. This is a glaring omission since time restrictions are imposed on other parties involved at various stages of the process. Also, the fact that the law says: "the state board of education may take appropriate action to enforce the findings . . ." (emphasis added) makes the whole process almost meaningless. Local boards are still not required to act on a decision handed down by the state review board. Therefore,

- (19) PUBLIC ACT 667 SHOULD BE AMENDED TO REQUIRE A TIME LIMIT BE IMPOSED FOR STATE DEPARTMENT ACTION ON INDIVIDUAL CASES AND THE WORD "MAY" SHOULD BE CHANGED TO "SHALL" TO ENABLE THE STATE TO ENFORCE ITS RECOMMENDATIONS.

REGIONALIZATION

The regionalization concept is receiving more and more attention in the field of education. This idea is important in the delivery of special education programs in that it allows children, who might otherwise be denied an appropriate educational experience, to be enrolled in programs designed for their particular needs. Regional programs in special education are permitted in Connecticut under Section 10-47 and 10-76c of the Statutes.

The mandated special education act has presented some dilemmas, especially in the availability of programs in the rural, sparsely-populated areas of the state, for the severely handicapped, and for those classified in certain disability areas. Allowing school boards to enter into regional agreements in order to supply programs has aided in meeting these needs. The law states that school districts agreeing to provide programs on a regional basis will be reimbursed one hundred percent for the net costs of constructing, reconstructing, and equipping facilities to be used for special education. The agreements are to be long-term and approved by the state Department. Other safeguards are built-in in order to ensure compliance with the law.

The Bureau claims one of the problems with the regional concept, as permitted under 10-76c, is to keep the participating towns honest. This means that commitments often are neither kept nor are children served as was intended. To prevent a bad state investment, the Bureau screens the population to be served to see that the facility will be utilized in accordance with the proposed agreements.

The objectives of the regional grant program, as stated by the consultant in the Bureau, is coverage, thereby assuring that facilities will be available to meet the demands of educating exceptional children. No standards of measurement have been established for indicating success of the programs. The program apparently has not been successful in meeting the stated objective. Available information indicates that coverage is not provided, especially in the need areas. A look at a state map with the areas covered by regional programs marked in black shows that the heart and the more wealthy part of the state is covered, leaving the more rural areas not covered. Also, the increased number of private school contracts being approved is another indicator that more should be done to obtain program coverage on a regional basis supported by the public sector.

One probable cause for the ineffectiveness of regionalization is that success depends on local initiative. Although the Bureau encourages applications for grants, it does not work and coordinate as it should to gain wider application of the regional concept. The Chubbick Report on Special Education in 1966 stated that local school districts were the biggest blocks that had to be overcome in implementing special education programs. This holds true in this instance, too. Another related problem is a misunderstanding of the length of the regional agreements. The Bureau staff talks in terms of maximum five-year contracts, but the law and the regulations make no mention of length of time for the regional compacts.

The state has contributed over \$2,826,000 for regional building grants since 1967. The programs provided in these facilities have allowed approximately 945 children per year to be enrolled in regional special education programs. Most of the funding has come from the sale of state bonds, with the payment of interest being made from the special education appropriation for grants.

The 1971 session of the General Assembly as stated earlier passed legislation requiring the State Board to prepare a feasibility and cost study for development of regional day and residential programs for exceptional children whose educational needs are not being met by present public school arrangements. This act represents an effort by the Legislature to move the regionalization idea off dead-center and make it part of a drive to reduce the need for private school placements.

The placement of exceptional children in private schools is estimated to cost the state and local education agencies around \$4,500,000 in fiscal year 1972. The state must take a greater role in meeting the educational requirements of some of its exceptional children. Therefore,

- (20) THE STATE SHOULD PROVIDE FOR SHIFTING EMPHASIS FROM PRIVATE SCHOOL PROGRAMS TO PUBLIC SUPPORTED FACILITIES, ESPECIALLY IN THE NEED AREAS. CONTINGENT UPON THE DEPARTMENT REPORT IN RESPONSE TO SPECIAL ACT 92 TO THE EDUCATION COMMITTEE IN FEBRUARY, THE STATE SHOULD CONSIDER TAKING ACTION TO PROVIDE FOR REGIONAL PROGRAMS FOR EXCEPTIONAL CHILDREN UNDER THE CONTROL OF REGIONAL BOARDS OF SPECIAL EDUCATION.

Regional programs present a viable and economic alternative to private school placements in many instances. Other services to exceptional children can also be provided on a regional concept. With a shortage of trained diagnostic personnel, who are vital to the identification process, the regional service center idea will permit greater utilization of available personnel. A benefit will be realized by the children who need to be diagnosed so that learning programs can be designed to meet their needs. Also to be considered is the regional resource and materials center for special education modeled after the state-operated resources center at St. Joseph College. These centers will permit special education teachers to avail themselves of necessary materials for teaching purposes. College campuses should be able to serve these and similar needs of special education. Therefore,

- (21) A REGIONAL SERVICES PLAN SHOULD BE DESIGNED AND IMPLEMENTED OVER A TIME SPAN TO PROVIDE PROGRAMS AND SERVICES INTEGRAL TO EDUCATING EXCEPTIONAL CHILDREN.

COORDINATION

The state Department of Education is the state agency responsible for coordinating with federal, state and private agencies all matters pertaining to special education. More coordination of efforts in special education is needed. Poor coordination has led to an unsatisfactory performance in many areas of special education, in the delivery of programs, and in the programs themselves.

(1) State Colleges and Universities

Primary sources for assistance in developing and providing programs and

services are colleges and universities, especially those which are publicly supported. Connecticut has six institutions of higher education involved in the preparation and training of special education teachers. The three public institutions are Southern Connecticut State College, Central Connecticut State College, and the University of Connecticut; and the privately-operated schools are the University of Hartford, Fairfield University, and St. Joseph College.

There is a shortage of special education teachers in the state. Teacher vacancy lists demonstrate this need. Projections show some 6,700 teachers will be necessary to serve the estimated 89,000 students who require some form of special education, that is about 4,200 teachers more than presently employed. At the present rate of production, neither Connecticut's colleges or colleges across the country will be able to meet this demand. For example, on a nationwide basis, an expert feels that the manpower needs to teach all children who are or could be classified as emotionally disturbed will not be met until the year 2770. So while the institutions of higher education must increase their output of special education teachers, new approaches to special education must be developed.

The University of Connecticut is primarily a research-oriented institution, graduating only thirty special education teachers with advanced degrees per year and having no undergraduate programs for special education teachers. There are ten members of the faculty involved in the field of special education with several considered to be national experts in special education. Southern Connecticut State College is essentially a teacher training institution for special education teachers, with little emphasis on research. SCSC is acknowledged as a national leader in training special education teachers. Central Connecticut State College is enlarging its teacher preparation programs, but is still getting off the ground. However, more has to be done by these schools

in conjunction with the state Department of Education to better contend with the problems of special education.

Clarification of the roles the state colleges and university can play in special education is necessary. The idea of permitting students to obtain inter-university degrees so that special education teachers can be trained at all state institutions of higher education must be developed and implemented. Knowledge found within the faculties at Connecticut's colleges and university should be used on a consulting basis by the state and local education agencies. Research must be carried on and used to develop models for quality special education programs. The meeting of manpower needs in special education for personnel other than teachers such as diagnosticians, teacher aides, special education supervisors, and educational administrators familiar with special education must be faced. These ancillary personnel are necessary to provide for successful programming.

The state special education coordination meetings held by the Department with representatives of each of the colleges are ineffective and do not meet the challenge due to what appears to be mistrust and an idea of the uselessness of the meetings among the participants. Establishment of a coordinating council made up of Department of Education, state college and university, and Commission on Higher Education representatives to meet on a regular basis to discuss and formulate plans, guidelines, and policies in special education as they pertain to their particular areas of interest should be considered. Therefore,

- (22) THE BUREAU SHOULD EMPLOY MEANS AVAILABLE TO COORDINATE SPECIAL EDUCATION ACTIVITIES BETWEEN THE STATE AND THE STATE-SUPPORTED COLLEGES AND UNIVERSITY SO THAT MAXIMUM UTILIZATION OF RESOURCES CAN BE MADE; PRIVATE COLLEGES SHOULD ALSO BE INCLUDED.

(2) State Agencies

Several state agencies provide special education programs in addition to their other responsibilities. These agencies are the Department of Health,

the Department of Mental Health, and the Department of Children and Youth Services. The programs available are primarily for the mentally retarded and the emotionally disturbed.

Clearly, the educational programs at state institutions are of secondary importance compared to the residential and other care aspects provided. The state should devote more time and effort to supply adequate educational programs at these facilities. Also, evaluation and effectiveness criteria are not available to evaluate programs at these facilities.

The Office of Mental Retardation within the Department of Health is responsible for the planning, development, and administration of a complete, comprehensive, and integrated state-wide program for the mentally retarded, which includes the operation of the Southbury and Mansfield Training Schools and the eleven regional centers. The Department of Health is also required by law, Sections 19-21 and 19-21a of the General Statutes, to provide for a reporting system of physical defects and handicaps of children. Copies of the reports are to be given to the Department of Education, but the laws are not complied with and no information of this nature is available.

The Department of Mental Health maintains programs for the mentally ill and the emotionally disturbed at Connecticut Valley Hospital, Norwich Hospital, and High Meadows. Of these facilities, High Meadows is acclaimed to be the best and is said to offer the most meaningful programs, but again, evaluative data is lacking to substantiate the statement. The Bureau's Annual Report for 1970-71 stated that the Bureau's consultant evaluated school programs at Connecticut Valley and at High Meadows. The evaluation was completed at Connecticut Valley, but was not finished at High Meadows due to:

The lack of receptivity for such an evaluation on the part of the administrative staff at High Meadows and the inability on the part of the consultant to give the necessary time to attempt modification of the attitude of that administrative staff. (p. N-6, 1970-71 Annual Report).

The Department of Children and Youth Services operates two state institutions designed for residential care of delinquent boys and girls, ages 12-16. The Connecticut School for Boys and Long Lane School for Girls provide educational programs, but should place greater emphasis on special education, especially since most of the children at the schools have social and emotional problems which interfere with their abilities to learn.

Overall, there appears to be no other alternative than to improve the educational programs at state institutions, especially in terms of the methods and program elements used. Special education should receive greater emphasis and evaluation of the programs should be provided for. Greater consideration should be given to diagnosis of the children and consideration of their educational needs. Therefore,

- (23) THE BUREAU SHOULD INCREASE ITS SUPERVISION OF SPECIAL EDUCATION PROGRAMS AT STATE INSTITUTIONS.

III. PROGRAMMING IN SPECIAL EDUCATION

Special education programs should be designed to meet the educational needs of exceptional children. Many questions are now being asked whether these special programs are indeed "special" and whether they are accomplishing their intended purposes. Parents used to be satisfied to have their children placed in special education classes, and to a degree, some still are. But today, people are expressing concern about the effectiveness and results of these special programs and services.

In Connecticut, there is little information available about the effects and impact of special education. Presently there is no way really to tell, but piecemeal evidence suggests that the programs should be working better. This section details some of this evidence and discusses other problems of assessing special education programs.

Many special education programs are "special" in name only and do not contain any substance or have any impact on the children who are enrolled in them. Tokenism would be a fitting description of these programs. Such programs are established for administrative convenience and are done to placate parents and to meet the mandate of the law. Many children who need special education are often times placed in programs not geared to meet their individual needs. Children enrolled in special education need to be educated on the basis of their variations, not pigeon-holed into programs that are unworkable.

Children, in many instances, are not identified on the basis of their educational disability, but on the basis of medical definitions and as a result, are placed in programs not totally related to their educational needs.

A failure of special education, according to a study done by two University of Minnesota professors, is that it does not define educational disabilities relevant to the educational setting. A good example is the placing of blacks and other minority students and poor from the inner city into special education programs that are not designed to improve their learning abilities.

Another dilemma results from what constitutes a learning problem is left to the individual teacher. Studies suggest that teachers are trained to expect certain pupil behaviors and when children deviate from these behaviors, they are treated as exceptional children. There is a need for greater inservice training and changes made in school systems to make them more relevant to children they are supposed to educate. Again, the examples of placing blacks and other minority students into special education programs because they deviate from established norms show the need for re-evaluating the school systems and the training the teachers and administrators receive.

PROBLEMS

The following cases indicate the plight of several exceptional children in Connecticut. They relate real and actual incidents involving children requiring special education. They illustrate the ineffectiveness of a law mandating programs and a system charged with implementing the law.

Child #1 is an eighth grade student with a learning disability and has had no program offered to her. The parents claim the child was diagnosed and evaluated by specialists in the school system, but no special programs were provided.

Child #2 was identified at Newington Children's Hospital as perceptually handicapped, and parents were advised to send him to a private school. Instead, the board of education gave him a half day of special education, and over two years, he showed little improvement. He was enrolled in a private school last September and has improved substantially.

Child #3 was diagnosed by the school system in kindergarten as perceptually handicapped and was placed in a mentally retardate class instead of the first grade. The parents asked for further testing, which was refused on the grounds that it was only necessary to test every three years. The family has since moved to the midwest where the girl was found to have a deep auditory discrimination and is progressing in an ungraded class, not in one for the mentally retarded.

Child #4 was diagnosed as having a learning problem at Newington Children's Hospital. The hospital recommended a program for the child to his school, but no action was taken by the school to provide the program prescribed. Even after numerous meetings were held between the parents and teachers and administrators, no change was made in the child's educational program.

Child #5 had his parents told that in kindergarten he disturbed other children because of his impulsiveness and destructive manner. He was identified in the sixth grade as needing special education, but was only treated as a discipline problem, and his parents were told that he would grow out of it. The child was later tested and found to have a learning problem. Since the school did not provide a program, he was placed in a private school at his parent's expense.

Child #6 is a high school sophomore with a severe stuttering problem. In his town, there are speech and hearing services, but only available for the children in elementary schools. Although he is failing in school because of his communication problems, the board of education refuses to provide speech services for him because it does not have enough speech and hearing personnel.

Child #7 is a seven year old hearing impaired child in the second grade. She receives speech services twice a week and is tutored once a week, but she does not do well in the classroom situation. The town does not have special

classes for school age hearing impaired children but does claim to be meeting its responsibilities under the law. The parents question the adequacy of the program and suggest sending her to a neighboring town with a program with room for her; however, the town refuses to pay the tuition required.

These cases represent some of the many problems found in present special education programs. They show a need for changes in the methods of programming, in the attitudes of school personnel, and in the existing educational delivery system. They also indicate a need for greater program evaluation and accountability in special education.

In order to really improve special education, comprehensive programming must be implemented and directed from the state level.

COMPREHENSIVE PROGRAMMING

What is comprehensive programming? It is essentially a system designed to deliver the necessary instructional and supportive programs and services in addition to or in lieu of regular education programs for children who require specialized programs. Comprehensive programming involves planning, needs assessment, priority formulation, goals and objectives statements, evaluation designs, and information systems. Many of these components are lacking in Connecticut.

(1) Planning

Planning is principally used to provide adequate programs and services, both in qualitative and quantitative terms. Planning can be used to present a unified proposal for the development and delivery of comprehensive and quality special education as well as a rational method for distributing limited human and financial resources. A plan can be a strategy for achieving program purposes.

In Connecticut, there is no mandate required in special education either at the state or local levels. A planning mandate was passed in the 1971 session of the Legislature, requiring the Department of Education to present to the Education Committee a feasibility plan and cost study for the development and operation of regional day and residential programs for exceptional children not being served by public schools.

The Commissioner of Education, when asked about a state master plan for special education, replied:

Well, we don't have a master plan as such, but several years ago we did initiate the codification of a number of the special education act laws. There were a number of these laws where statutes were not really combined. We started that, and then there was a citizens committee that came along and worked on it with us, and this resulted in Section 10-76, which is as close to a plan as we can get. We are hoping that we can provide for all children, but have gone no farther than that. (Transcript, October 27, 1971, Committee Meeting.)

Things should not be left as they are now.

The state Department of Education should be required to compile a state-wide master plan for special education, drawing upon all available sources for input and information. This master plan should be coordinated and regulated by the state Department of Education and should be the basis for directing all special education activities within the state.

Also, planning should be required for local and regional school districts. Provisions for mandatory five-year incremental plans should be enacted in order to have planning done at the local level. Alabama passed a strong special education law in 1971 which requires five-year plans to be drawn and submitted to the state education agency. In Connecticut, these recommended plans should be orchestrated to form part of the state plan and should be regulated and coordinated by the state Department. Any amendments to these local plans should have the approval of the state Department. Therefore,

- (24) STATE LAW SHOULD PROVIDE FOR PLANNING IN SPECIAL EDUCATION TO DETAIL HOW THE STATE DEPARTMENT OF EDUCATION AND LOCAL SCHOOL DISTRICTS AND STATE INSTITUTIONS PROPOSE TO EDUCATE ALL HANDICAPPED CHILDREN. THE PLANS SHOULD BE REGULATED AND COORDINATED BY THE DEPARTMENT OF EDUCATION AND SHOULD BE SUBJECT TO DEPARTMENT APPROVAL; THE PLANS SHOULD BE BINDING AND AMENDED ONLY WITH STATE DEPARTMENT APPROVAL; THE PLANNING PROCESS SHOULD INCLUDE ALL PARTIES INTERESTED IN AND CONCERNED WITH SPECIAL EDUCATION IN CONNECTICUT.

(2) Needs Assessment

Program needs have to be assessed in order to know what must be done to provide comprehensive programs. The needs assessment should provide information on the numbers of students to be served by special education (incidence data); other demographic data; manpower needs in terms of administrative, instructional, supportive professional, and paraprofessional personnel; existing facilities where programs may be housed; methods for curriculum and materials development; and analysis of procedures for identification and appraisal of students.

In Connecticut, there has been no needs assessment done on a statewide basis and most likely, few done on a local basis. When the law was enacted in 1967, there was no determination made of the needs that had to be met under the new law. And, since that time, there has been none. Data on the incidence of disabilities are unreliable; they are based on national figures, medical definitions of disabilities, and on studies done in the 1950's. The Bureau's 1970-71 Annual Report lists many of the needs in the special education field, but these are based on each consultant's analysis and as such are not a comprehensive needs assessment. Therefore,

- (25) THE DEPARTMENT OF EDUCATION SHOULD CONDUCT AND COORDINATE A NEEDS ASSESSMENT OF SPECIAL EDUCATION ON A STATEWIDE BASIS, AND SHOULD HAVE THE COOPERATION OF ALL LOCAL AND REGIONAL SCHOOL DISTRICTS AND STATE INSTITUTIONS IN PROCEEDING WITH THE ASSESSMENT.

(3) Priorities

Designation of priorities to provide for orderly solution to the problems confronting special education is important. Establishment of priorities should be an annual practice of both state and local education agencies.

The Bureau of Pupil Personnel and Special Educational Services is in the process of developing its priorities; however, the Department of Education has not engaged in priority identification. To date, the Bureau consultants have designated fourteen problem areas requiring priority attention. They have ranked these problems in terms of "immediacy" and "Bureau feasibility." Interestingly enough, most of the problems relate to the failures of the identification processes. The following problem received top priority in immediacy and Bureau feasibility:

Due to the fact that many exceptional children are not identified until they have spent at least 3 to 5 years in inappropriate regular programs, their learning problems become so severe as to make their prognosis for successful learning very poor, leading to apathy, early school withdrawal, more frequent suspensions and expulsions and a high rate of academic failure.

The number two problem under the immediacy category also referred to the failures of the identification processes:

Due to the fact that many exceptional children are not identified prior to school age and few exceptional children are programmed prior to school age, serious developmental losses of all kinds occur to most such children resulting in the intensification of problems which might have been ameliorated or eliminated with effective early educational programs.

Local and regional school districts should develop priorities based on local needs. Development of program priorities should permit a systematic growth of special education services. Therefore,

- (26) THE BUREAU SHOULD CONTINUE TO DEVELOP PRIORITIES AND USE THEM AS GUIDELINES FOR BUREAU ACTIVITIES. THE LOCAL AND REGIONAL SCHOOL DISTRICTS SHOULD BE ENCOURAGED TO ESTABLISH PRIORITIES BASED ON THEIR LOCAL NEEDS.

(4) Goals and Objectives

Program goals and objectives are necessary in order to facilitate

comprehensive programming. Goals should be written in terms of what is wanted to be accomplished and should not concern themselves with the manner in which it is to be accomplished.

Objectives should be statements of the phases or stages to be achieved as progress is made toward each goal. For example, an objective of identifying in fiscal 1972, twenty percent of those children requiring special education in the state could be a step toward attaining the more general goal of identifying all children needing special education within a five year period.

Measurements of program successes and effectiveness can be based on attainment of the target objectives and eventually, the more general goals. Of course, data must be collected to use in the measurement of effectiveness.

There is a lack of clearly state goals and objectives for special education at the state and local levels. The Bureau of Pupil Personnel and Special Educational Services has developed different categories of objectives statements. However, the objectives are meaningless to the extent that indicators have not been formulated and baseline data are not available so that performance and output can be measured.

Local and regional school districts for the most part, do have stated objectives, but these are essentially philosophical statements and do not reflect anticipated results of programs. The Bureau should work with the local districts to improve program objectives. Therefore,

- (27) THE BUREAU SHOULD DEVELOP STATE GOALS AND OBJECTIVES FOR SPECIAL EDUCATION COMMENSURATE WITH ANTICIPATED ACCOMPLISHMENTS. ALSO, LOCAL AND REGIONAL SCHOOL DISTRICTS SHOULD BE ENCOURAGED TO FORMULATE PROGRAM GOALS AND OBJECTIVES AND REPORT THEM TO THE STATE DEPARTMENT OF EDUCATION.

(5) Program Elements

Programs and services provide the mechanisms to meet the goals and objectives of special education. For each goal and accompanying objectives,

appropriate program elements need to be provided. Program elements include personnel, instructional activities and arrangements, pupil personnel services, staff development, and research and development. Each of these aspects should be described to indicate the need for and use of these elements.

In Connecticut, questions are asked as to what are the best program elements to include in special education programs. According to the state consultant for the emotionally disturbed, the effectiveness of certain program elements is questionable:

From my own bias, I say one of the reasons that identification seems to be such a big problem, I don't mean to say when I say "seems", it is, because that once identified, I am not too sure the field knows what works, what to do with them, once identified. (Transcript, December 20, 1971, Committee Meeting.)

Present special education program elements in the state vary in the degree of application. Some school districts make the commitment to provide the necessary range of programs. Other districts rely on private schools and agencies. Others prefer the regional program approach. However, one thing appears to be certain, and that is that many of the present instructional activities and arrangements are not meeting the needs of the children they are intending to serve. The questions of which instructional arrangements, staffing patterns, curriculum, etc. work best, must be answered. Therefore,

- (24) THE LOCAL AND REGIONAL SCHOOL DISTRICTS SHOULD DESCRIBE THEIR PROGRAMS AND SERVICES BEING PROVIDED FOR EXCEPTIONAL CHILDREN AND REPORT THEM TO THE BUREAU IN THE FALL OF THE YEAR. THE PLANNING DOCUMENTS SHOULD INCLUDE STATEMENTS OF UTILIZATION OF THESE PROGRAM ELEMENTS FOR THE SUGGESTED 5 YEAR PLANNING PERIOD.

(6) Policy Statements

In the implementation of special education, policy statements have to be formulated to guide personnel in their activities. Policy statements should delineate the roles of program personnel and the relationship of special education to the total educational program.

The Bureau has developed policies over the past several years relating to special education; however, these statements have not been compiled and made available so that local school districts and other interested persons know fully what the state's role is in special education.

Local school districts should also have available policy statements to guide the teachers and others involved in special education in the implementation of programs and services. These policy directives should also delineate the relationship between special education and the total educational program. Therefore,

- (29) THE BUREAU SHOULD COMPILE, PRINT, AND DISTRIBUTE ITS POLICY STATEMENTS; LOCAL AND REGIONAL SCHOOL DISTRICTS SHOULD BE ENCOURAGED TO FORMULATE CLEAR STATEMENTS OF POLICY; AND IN BOTH INSTANCES, POLICY SHOULD BE USED TO DIRECT USE OF PROGRAM ELEMENTS AND TO DESCRIBE THE RELATIONSHIP BETWEEN SPECIAL EDUCATION AND THE TOTAL EDUCATIONAL PROGRAM.

(7) Evaluation Design

An integral part of comprehensive programming is evaluation. We have to know what overall impact special education has as well as the effectiveness of individual programs. Little is to be gained from continuing programs without monitoring and analyzing the results.

In the suggested comprehensive programming model, evaluation should be done in terms of student products and of the delivery system which produces those products. Designation of instruments to use in measuring changes in students will then become the next major problem. Techniques to evaluate the delivery system or the administrative and instructional processes should show their effectiveness in terms of student behavior and program costs. In this manner, the results become more meaningful because they indicate the changes in the children at which the programs are directed.

The Bureau has not evaluated special education in Connecticut. The Bureau's 1970-71 Annual Report lists its number one need as "evaluation of

LEA special education programs, and pupil personnel services, including the skills of objectives writing, needs assessment, testing, measurement, etc." (p. A-1, 1970-71 Annual Report). The report continues by suggesting "that the evaluation of schools, programs, services, special projects and effort receive a high priority in the Bureau and Division and immediate steps be taken to initiate a comprehensive evaluation plan." (p. A-4, 1970-71 Annual Report).

The Education Committee, during the 1971 session of the General Assembly, recommended legislation, which was passed and became Public Act 326, requiring the State Board of Education to periodically evaluate the progress and accomplishments of programs covered by Sections 10-76a to 10-76g, inclusive. A report will be presented to the Education Committee early in the 1972 session of the Legislature in compliance with this law.

There is a need to determine the impact and effectiveness in special education on a statewide basis as well as in each school district. The Bureau does not have performance and output indicators for special education. There is no collection of meaningful data. The Bureau needs to change its major function from consulting to regulating and evaluating special education. Evaluation becomes a key in working toward program improvement because it feeds back the results of the programs. Therefore,

- (30) THE BUREAU SHOULD DEVELOP AND IMPLEMENT DESIGNS TO EVALUATE THE PERFORMANCE AND OUTPUT OF SPECIAL EDUCATION IN CONNECTICUT; THE DESIGN SHOULD INCLUDE EVALUATION OF PROGRAMS BY LOCAL AND REGIONAL SCHOOL DISTRICTS, WHICH REPORT THE RESULTS TO THE BUREAU; THE BUREAU SHOULD CHANGE ITS EMPHASIS FROM CONSULTING TO REGULATING AND EVALUATING SPECIAL EDUCATION PROGRAMS.

(8) Information System

In order to know what programs and services are doing, information must be collected. The information to be gathered should be dictated by the evaluation scheme used. It does no good to obtain data that have no meaning to

the program managers and others who make policy decisions.

The Bureau does not have an established information system which can provide necessary data for evaluation. A need of the Bureau is stated in the 1970-71 Annual Report is for the:

Establishment of a comprehensive information and support resources plan to include the capability for collection, storage, retrieval and dissemination of information, data, materials, models, and techniques related to the needs of students and personnel. (p. A-1, 1970-71 Annual Report).

Over the past several months, the Bureau has been using two forms, the ED 042 and the ED 042a, to collect data for program approval purposes and to provide certain input and status information about special education. The information needs of the Bureau, however, are greater than that provided by the ED 042 and the ED 042a forms. Also, according to Bureau sources, the information will not be usable for at least another year.

One Bureau consultant has commented that the state's "watchdog" effect has broken down because the Bureau does not collect the kind of information it did prior to the 1967 law. He feels that local education agencies, with knowledge that the Bureau is not asking the questions it used to, could feel free and more at ease to put forth a minimal effort in special education.

Many of the local and regional school districts collect and maintain certain program information, but they make little or no use of it. Part of the problem is that the Bureau has not given direction to the school districts as to what information to gather and in what form to keep it. Uniform data collection formats are not made available by the state to the school districts for this purpose.

The Bureau should plan its information needs according to the questions it has to have answered. Information should not be collected for collection's sake, but it should be of value and be able to supply answers to questions. Information might be collected which would show the number of children who:

are identified and at what age and grades are placed in special programs and are receiving support services, and at what age and grades are no longer requiring special programs and services; are achieving individual objectives over a given period of time; are school dropouts who were enrolled in special education, etc. Therefore,

- (31) THE BUREAU SHOULD ESTABLISH AN INFORMATION SYSTEM TO PROVIDE DATA ON PROGRAM EFFECTIVENESS AND IMPACT; THE SYSTEM SHOULD REQUIRE UNIFORM RECORD-KEEPING OF SPECIAL EDUCATION PROGRAMS AND SERVICES BY LOCAL AND REGIONAL SCHOOL DISTRICTS.

STRATEGIES FOR PROGRAM DEVELOPMENT

To make improvements in special education, steps should be taken immediately to implement needed changes. The outline set out by the comprehensive programming model covered in the previous section indicates what must be done. The following suggestions, if followed, can be used as focal points from which action can be initiated.

- (32) A PERMANENT ADVISORY COMMITTEE ON SPECIAL EDUCATION SHOULD BE ESTABLISHED TO SERVE AS AN ADVOCATE FOR EXCEPTIONAL CHILDREN AND AS AN ADVISORY BOARD IN THE COMPILATION OF A STATE PLAN FOR SPECIAL EDUCATION.

An advisory committee is advisable because parents and others interested in special education need a forum for discussing and suggesting changes in special education. This committee should also act as the committee to work with the Department in the formulation of a state plan in special education. This committee should review and comment on the state plan as well as comment on regulations and proposed amendments to the law and report annually to the Legislature, Governor, and state Department of Education their recommendations for changes in special education and on the progress of special education. This will require legislation.

- (33) THE STATE DEPARTMENT OF EDUCATION SHOULD BEGIN TO DO FIELD AUDITS OF SPECIAL EDUCATION IN SELECTED SCHOOL DISTRICTS.

With the state share of the costs of special education increasing annually, the Department should begin to demand more information on the results of continued increases in the level of funding. Presently there is no attempt made to hold local school districts accountable for what happens to special education funds. The suggested approach to take in initiating this activity would be to select certain school districts and send an auditor and person knowledgeable in special education programs to those districts to review the use of the state funds.

- (14) ONE HALF OF ONE PERCENT OF THE SPECIAL EDUCATION GRANT APPROPRIATION IN FISCAL YEARS 1973 AND 1974 SHOULD BE SET ASIDE FOR DEVELOPMENT OF A STATEWIDE EVALUATION PROGRAM AND INFORMATION SYSTEM FOR SPECIAL EDUCATION; REPORTS SHOULD BE MADE PERIODICALLY TO THE EDUCATION COMMITTEE AND THE APPROPRIATIONS COMMITTEE.

This measure is necessary if special education is to be evaluated in a meaningful manner. Periodic reporting of the progress and extent of the activities to the Legislature's Education and Appropriations Committee will keep the members of the General Assembly informed. It seems that the suggested amount of money is a worthwhile investment to find out the impact of spending several million dollars for special education over the years. This will require legislation for implementation.

- (15) A PRE-SCHOOL AGE CENSUS AND REGISTRATION OF CHILDREN SHOULD BE REQUIRED FOR PURPOSES OF IDENTIFICATION.

Earlier identification of children with potential learning problems that can be ameliorated with special education is necessary. The suggested procedure should be carried out when the child is between 2 and 3 years of age and earlier if possible. Information will also be provided to school districts and the state for planning purposes, in order to give them an idea of the composition of the school population several years before these children enter school. In order to make this a successful program, it will require the cooperation and assistance of state and local government agencies and community and civic organizations. This will require legislation for implementation.

- (36) MODELS OF VARIOUS PROGRAM DISTRICTS BASED ON SUCCESSFUL EXPERIENCES OF SCHOOL DISTRICTS AND RESEARCH PROJECTS SHOULD BE GENERATED AND INFORMATION ABOUT THEM SHOULD BE DISSEMINATED TO THE LOCAL SCHOOL DISTRICTS.

The Bureau needs to provide local school districts with suggested models for implementing various aspects of special education programs and services. Several school districts have achieved success in delivering the required services to the exceptional children within their jurisdiction and these can be drawn up as models for other districts to follow. Also, a greater emphasis on the use of federal research funds available to the state in the area of experimental projects is required in order to make their application meaningful. Dissemination of this type of information can be very valuable in the development of quality programs for children requiring special education.

APPENDIX A

AGENCY RESPONSE

A preliminary draft copy of the report was sent to the Department of Education with the request that whatever corrections or comments that were appropriate be made. Subsequent to the receipt of this information from the Department, changes were made in the text of the report. The agency comments are included in the pages which follow. This assistance from the Department was appreciated.

The recommendations listed in the Department's comments have been renumbered since recommendation number 7 was deleted. The numbers appearing to the left of the original numbers correspond with the numbers of the recommendations in the text.

No attempt was made to carry on a debate with the agencies concerning the merits of all comments and the contents of this report. The objective of the study was to provide material and recommendations that would be of assistance to the members of the General Assembly. Differences in analysis of the matter researched and the degrees of emphasis are frequent where individuals are involved and occasional decisions may be based on facts which are not weighted equally by all who view them.

CONNECTICUT STATE DEPARTMENT OF EDUCATION
Bureau of Pupil Personnel and Special Educational Services
Hartford

The following is a listing of the summary recommendations of The Report on Special Education in Connecticut by the Committee on Program Review and Evaluation. Comments are restricted entirely to the summary recommendations and no attempt has been made to discuss the body of the report at this time. Since the State Board of Education has not received this report or reviewed the recommendations, the comments must be considered solely the opinions of the Chief of the Bureau of Pupil Personnel and Special Educational Services.

I. FINANCING SPECIAL EDUCATION

Recommendations:

- (1) The Department of Education should study alternative formulas regarding the distribution of state grants for special education and report its findings and recommendations to the Joint Committee on Education and the Joint Committee on Appropriations by February 15, 1973.
- (2) A special appropriation should be made to pay current costs of new and expanded programs on a percentage basis; the state should also be required to make payment of special education grants by November 15 of each year.
- (3) The Department should study the feasibility of phasing in partial payment of current costs and report its findings to the Joint Committee on Education and the Joint Committee on Appropriations by February 15, 1973.
- (4) In order to facilitate program growth, funds should be channeled directly to the school boards or town boards should be required to reappropriate special education grant receipts to boards of education.

Comments:

We concur with these recommendations though new legislation would be required and additional funds appropriated to implement both changing the present formula of reimbursement and providing funds on a current basis. We have supported legislation to achieve these goals in previous sessions of the General Assembly. (See attached January 1972 statement of William J. Sanders, Secretary of the State Board of Education concerning current and full funding of education.) Not Attached

Recommendations:

- (5) The Department should consider methods of optimizing the use of federal funds, directing these funds into need areas, and using them for experimental projects.

Comments:

Consistently, the department does consider methods of optimizing the use of federal funds, but we must continue to strike a balance between supporting new and "experimental projects" and supporting projects in the local school districts which could not be implemented without federal funding. In the past four years, we have used federal funds to initiate and implement the state wide reporting system of all special education programs and services in the local school districts. Further, we have funded a state wide Special Education Resource Center which prepares and distributes new materials and guides for the education of handicapped children to all school districts. In addition, however, we must continue to give federal funding to towns for direct services to handicapped children. (See attached State of Connecticut map showing total state wide distribution of federal funds for handicapped children since Title VI funds became available.) Not Attached

14. DEPARTMENTAL ORGANIZATION

Recommendation:

- (3) A separate Bureau of special education should be established in the Department of Education to administer the state's obligations under the special education law, other pertinent statutes, and regulations.

Comments:

There is divided opinion throughout state departments of education on this concept. We were presently engaged in a national survey to review the administrative structure of the other forty-nine state departments of education. Special education does not lack visibility within the department or in the local school districts. However, we would be happy to consider any organizational pattern that will, in fact, strengthen the department efforts. Regardless of the structure, however, special education does not stand alone, independent of pupil personnel services. The work of school social workers, school psychologists, counselors, health services, are an integral part of special education programs. An emotionally disturbed child, a mentally retarded child, an orthopedically handicapped child, prior to any placement in a special education program and at all times during child placement needs the continuous diagnostic services of the school psychologist, the supportive services of school social workers and guidance counselors which constitute pupil personnel services.

In any event, the creation of a new bureau will be difficult to implement and the coordination of the administrative and organizational unit now known as PUPILS in a special education division will be difficult to achieve. The Department of Education is currently in the process of reorganizing its administrative structure to improve the coordination of its various divisions.

Recommendation: (This recommendation deleted from report because of comment)

- (7) The Department should provide training to all bridge consultants to begin at the lowest level.

Comments:

This statement is in error. Bridge formation and projection of funds should begin at the lowest level. Every consultant is required to give an estimate, e.g., the cost of educating mentally retarded children in the public schools, the cost of psychological services, the cost of educating hearing impaired and deaf children. The recommendation then approved by the Bureau Chief, has been consistently supported by the State Board of Education.

Recommendation:

- (1) (3) The existing focus approval committee should be replaced with an internal department-wide data collection coordination committee which would review department data needs. An advisory committee on data collection, made up of local school officials, should be established to advise on such department activities.

Comments:

We concur with the recommendation to establish an advisory committee on data collection. As part of "Management by Objectives" a department task force was appointed to develop procedures which will assure that the department has available in usable form, the data (including special education) required for efficient management.

Recommendation:

- (8) (9) A staff/unit section should be established in the Department to review the expenditures of state funds by the local education agencies. The staff should be a combination of financial and program specialists. In the establishment of the staff operation, a staff unit that would coordinate funds should be considered.

Comments:

This is an extremely important recommendation and we concur that there is a need for fiscal and program type review. Often the problem is not whether the local education agency expended the state grant, but rather whether the grant was expended wisely and what effect the project had on children.

Recommendation:

- (9) (10) A person should be designated as coordinator of federal funds in the Department of Education to help monitor requests for and the use of federal funds. Evaluation of federally funded programs and projects should also be coordinated by this person.

Comments:

We concur with the coordination goal of this recommendation. Coordination among federally funded programs and also coordination between federal and related state programs is necessary. To be successful a plan must include supportive funds for secretarial expenses, travel for meetings in Washington to assure that Connecticut is receiving that to which it is entitled, and additional funding to underwrite the cost of distributing to all local boards of education appropriate guidelines as to how funding may be obtained. Improved program evaluation procedures are currently receiving major department emphasis.

Recommendation:

- (10) (11) The Department of Education should prescribe procedures for identification of exceptional children, with emphasis on early identification; local boards of education should be required to maintain on-going programs of screening and diagnosis of exceptional children, and the state should provide regional diagnostic facilities and services to assist in the process; other public agencies on the state and

local levels should be required to assist in the process also; and reporting information to the Department of Education should be part of the identification procedure.

Comments:

The Department does prescribe the procedures for exceptional children but does not and should not require local boards of education to use specific tests or instruments on a state wide basis. Many companies publish comprehensive and valid testing instruments. It is one thing to require a complete psychological evaluation, but it would be inappropriate for the state to name specific tests and, in effect, deny the competence of professional personnel as well as impede their efforts to adapt to the requirements of individual diagnosis. We concur that the department has been lax in not requiring the local boards of education to file their plan for studying the school population. This laxity will be corrected by insisting that all local boards submit annually for approval their projected plan for educating handicapped children. The filing of a comprehensive plan, however, like every teacher's lesson plan, suggests what it is hoped will be done; not what is done, nor how well. We concur that state funds should be provided so that regional diagnostic services can be available to supplement local diagnosis.

Recommendation: (This recommendation changed because of comment)

- (11) (12) The exclusion clause found in Section 10-761 of the General Statutes should be repealed and greater state control be exercised over suspensions.

Comments:"Exclusion"

We do not concur that the exclusion clause found in Section 10-761 of the General Statutes should be repealed. The procedures required of local boards of education are extremely rigorous and not more than thirty children of our total school population have been excluded in this current year. Some children, however, must be excluded in order to be eligible to receive the programs and services of other state agencies. Profoundly retarded children must be excluded from the free school privileges of the public school, to be made eligible for day and/or residential care and treatment in the state regional centers for retarded children. Exclusion is never granted unless the local board of education indicates what is being planned for the child for whom exclusion is sought.

"Suspension"

The state has little or no control over suspensions. Whether legislation should be enacted is debatable. Presently, repeated suspensions are covered under Section 10-76 and call for a referral to a planning and placement team. The right of the local board of education to suspend students for infractions of their own local rules; i.e., smoking, one day suspension; fighting in the halls, two day suspension, etc., has been viewed as a responsibility of the local board of education since the inception of our public school districts. It is not a part of special education. Attitudes held by local school administrators cannot be changed by legislation. The Bureau, as well as other department staff, should attempt to change and influence attitudes through greater inservice workshops, meetings and discussions aimed at administrators who make local policy.

Recommendation:

- (12) (13) The Bureau of Pupil Personnel and Special Educational Services should establish a program approval procedure, tied to the evaluation plan, which the Bureau is suggested to develop and implement.

Comments:

We concur with this recommendation.

Recommendation:

- (13) (14) The State Board of Education should adopt the proposed special education teacher certification regulations and begin to plan for their implementation.

Comments:

Securing the concurrence of teacher training institutions to revise certification standards has required two years of intensive work with institutions of higher education and with local education agencies. However, the Bureau has brought forth a proposed special education teacher certification proposal which has been approved by the Secretary of the State Board of Education and has been filed for inclusion on the agenda of the next state board meeting.

Recommendation:

- (14) (15) The proposed Bureau of Special Education or the present Bureau of Pupil Personnel and Special Educational Services should be required to review all plans for school building construction in order to ensure adequate special education facilities are included, based on town or regional needs; if plans are deficient, the Bureau should take appropriate action to alter the instructions of the plans and the State Department should withhold approval of the plans until agreement is reached.

Comments:

The intent of this recommendation is endorsed. Whether the Bureau should review the plans for school building construction in order to insure adequate special education facilities is debatable. Not every elementary and secondary school building has room for special education facilities. All buildings, however, must be accessible to handicapped children and this is mandated under the existing Section 10-292 and all plans for school buildings are reviewed in accordance with the provisions of this statute.

Recommendation:

- (15) (16) The Bureau should use a standard contract form for the private school agreements. The amount paid under contract should be tied directly to the degree of achievement of the pupil.

Comments:

Four years ago the Bureau proposed a standard contract, but Town Attorneys for 169 towns in the State of Connecticut, noting that the contract is between a local board and a private institution, insisted that it was their prerogative to give counsel to the local board as to what should or should not be in a contract.

The Bureau consistently makes suggestions which have been incorporated in many towns' contracts, but the document is a binding agreement between the local board and the private institution, not between the state board and the institution. The Bureau does insist that certain provisions be included, such as rights of the local school board to all records concerning the child's progress, further evaluations and any information deemed pertinent by the local board. Further, that personnel from the local board may visit the premises at any time it

view the special education provided the child. It is not appropriate for the state to place a responsibility delegated to the local board and the local attorney, but if legislation required a standard contract, the Bureau would request the Attorney General's office to draw up such an instrument and could easily implement this recommendation.

Recommendations:

- (16)(17) The Bureau should establish a meaningful procedure for assessing private out-of-state schools, such as not permitting school districts to send children to schools in a state which does not approve private schools or limiting the distance to be traveled so parents can visit children and the Bureau can visit the school for program evaluation purposes without such travel.

Comments:

We concur with this recommendation. The Bureau has established and implemented a rigorous assessment of programs in private schools in Connecticut. We do a thorough evaluation of over sixty private school special education programs each year. We insist on schools following our recommendations for curriculum, personnel, supervision, and appropriate facilities for teaching. Every special education program in the State which receives tuition from local boards to be reimbursed with state funds is reviewed each year for three consecutive years and then approval is granted for a three year period when again the program must be re-evaluated. Solid reputation continues every three years as long as state funds are involved.

3

We have both the design and the resources for evaluating out-of-state private school programs. At the present time I have absolutely no authority to permit consultants to travel out-of-state for this purpose, nor do I anticipate such authority to be granted, unless legislation creates this recommendation and appropriates funds to implement it.

Recommendation:

- (17) (18) The Bureau should conduct an analysis as to why children are placed in private schools and report the findings to the Joint Committee on Education and the Joint Committee on Appropriations by February 15, 1973.

Comments:

The Bureau does conduct an analysis and at anytime can report the number of children placed, the reason for placement, the nature of the handicapping condition, etc. Such a record is kept up-to-date monthly and would, of course, be available to the Joint Committee on Education at anytime.

Recommendation:

- (18) (19) The Bureau should formulate a clearer definition of varying responsibilities, especially in terms of the law, state and local obligations, and children's rights.

Comments:

We do not agree with this recommendation. The law, the regulations, guidelines, inservice workshops conducted by the Bureau, all clearly define the responsibilities in terms of state and local obligations and children's rights. However, in spite of the shortage of staff,

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In 1959, 1000 cases were referred to the Bureau of Individual
 Complaints for delay reports concerning their children's education.
 But, it is the cases which are not brought to our attention, the "late's
 delay", the children not identified-which cause us great concern.
 Numerous workshops, conferences and consultant visits have been designed
 to implement the Bureau's responsibility and to assure that IEA's,
 parents and other state agencies know their responsibilities. We concur
 that leadership could be more effective with increased staff and funds.
 We concur that programs suffer because, under Connecticut law, boards of
 education cannot implement special education programs unless funds are
 first made available by the fiscal authorities. In 1959 the State Board
 of Education sought legislation for authority to require compliance with
 educational mandates and to protect the "educational interests of the
 State". (See Attached House Bill 6074 of which Sections 6 - 7 - 8 were
 not passed). If Recommendation 19 were designed to achieve this goal,
 I believe it will have our strong support. Copy of HB 6074 Not Attached

Recommendation:

(19)(20) Public Act 667 should be amended to require a time limit be imposed
 for the State Department to act on individual cases and the word
 "may" be changed to "shall" to enable the state to enforce its
 recommendations.

Comments:

We must concur with this recommendation. If the law imposes time limits
 on the parent and the local board, then it follows the department must
 also be held accountable to act without delay.

Recommendation

- (20) (21) The state should provide for children's health care private school programs to public supported institutions, especially in the rural areas. Challenged with the Department report in response to Special Act 92 to the Department Committee in February, the state should consider taking action to provide for relevant programs for handicapped children under the control of regional boards of special education.

Comments

We concur with this recommendation. The State Board has adopted and reported to the General Assembly the study conducted by Special Act 92. The Board recognizes that this will call for additional funding but it is the only way that quality programs for handicapped children will be developed, particularly in our rural areas. Special Act 92 represents a significant step toward this end. Even if this is not a time for additional state expenditures, the department must direct its efforts to make implementing Special Act 92.

Recommendations

- (22) (23) A regional council of government should be designed and implemented over a time span to provide programs and all regional services integral to educating our children.

Comments

We concur with this recommendation. The study conducted by the State Board of Education, Special Act 92, has been reported to the General Assembly. Special Act 92, through a study, has been a significant step toward this end. Even if this is not a time for additional state expenditures, the department must direct its efforts to make implementing Special Act 92.

Recommendation:

- (22)(23) The Bureau should employ means available to coordinate special education activities between the state and the state supported colleges and university so that maximum utilization of resources can be made; private colleges should also be included.

Comment:

We concur with this recommendation.

Recommendation:

- (23)(24) The Bureau should increase its supervision of special education programs at state institutions.

Comments:

We concur with this recommendation. We would add to this recommendation that other institutions receiving state funds such as American School for the Deaf should also be included. The General Assembly provides through special appropriations for the total cost of maintaining Connecticut children at the American School for the Deaf. Other than relying on the integrity of the institution and the caliber of the administrators, the Bureau does not assess the quality of the programs except those federal projects reviewed and approved by the Bureau.

III. ~~RECOMMENDATIONS FOR THE COMMISSION~~Recommendations:

- (24)(25) State law should provide for planning in special education to detail how the State Department of Education and local school districts and state institutions propose to educate all handicapped children. The plans should be regulated and coordinated by the State Department of Education and should be approved or disapproved by the Department; the plans should be binding and amended only with State Department approval; the planning process should include all parties interested and concerned with special education in Connecticut.
- (25)(26) The State Department of Education should conduct and coordinate a needs assessment of special education on a statewide basis, and should have the cooperation of all local and regional school districts and state institutions in proceeding with the assessment.
- (26)(27) The Bureau should continue to develop priorities and use them as guidelines for Bureau activities. The local and regional school districts should be encouraged to establish priorities based on their local needs.
- (27)(28) The Bureau should develop state goals and objectives for special education commensurate with anticipated accomplishments. Also, local and regional boards of education should formulate program goals and objectives and report them to the Department.
- (28)(29) The local and regional school districts should describe their programs and services being provided for exceptional children and report them to the Bureau in the fall of each year. The planning document should include the state plan of utilization of these programs and services for the suggested 5 year planning period.

- (29) (30) The Bureau should compile, polish, and distribute its policy statements; local and regional school districts should be encouraged to formulate clear statements of policy; in both instances, policy should be used to direct use of program elements and to describe the relationships between special education and the total education program.
- (30) (31) The Bureau should develop and implement designs to evaluate the performance and output of special education in Connecticut; the design should include evaluation of programs by local and regional districts and reporting the results to the Bureau; the Bureau should change its emphasis from consulting to regulating and evaluating special education.
- (31) (32) The Bureau should implement an information system to provide data on program effectiveness and impact. The system should require uniform record-keeping of special education programs and services by local and regional school districts.

Comments:

We concur with all of these recommendations. Many are stated in our own Annual Report; many are recommendations to continue efforts already begun and recognized in this report as in progress. We do not have the funds to conduct a comprehensive state wide needs assessment in special education. Should such an assessment be mandated by legislation and appropriations be forthcoming to undertake the task, it could be designed and instituted promptly.

We have designed a state wide information system which is currently processing in a data bank to give statistics describing every local board of education's special education program and services. Our state data processing system could not provide us this service and

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the Bureau had to divert some of our financial funds for the Education of Handicapped Children to a private bill that for this purpose. The state services or funds were available to could have given additional grants to local boards for direct services to handicapped children.

Recommendation:

- (31)(3) A permanent advisory council on special education should be established to serve as an advocate for exceptional children and as an advisory board in the compilation of a state plan for special education.

Comments:

We concur with this recommendation though it is debatable whether legislation is needed. This past year the Bureau studied the feasibility of such a council but the representative groups which would wish to be involved made the number so large as to become unwieldy. Recent discussion with a number of the Legislative management staff in which it was proposed that the secretary of the state board appoint a nine member advisory council would be heartily endorsed.

It should be noted that presently we have:

- a. Advisory Committee for Proposals under ESEA, Title III, Guidance, Counseling, and Testing.
- b. Advisory Committee for Education of Children with Learning Disabilities.
- c. Advisory Committee for Proposals under ESEA, Title III, Special Education.

In addition, the Bureau reviews all proposed regulations, legislation, certification and awards with the Connecticut Association of Public Personnel Administrators. Members of this association are employed by

local boards of education and particularly in charge of pupil personnel services and special education in their representative school districts.

Close liaison is maintained by Bureau staff with many state associations concerned with the handicapped. Both professional and parent associations are included; although they do not constitute formal advisory committees, their views and opinions are consistently sought.

Recommendation:

- (33)(34) The Department of Education should begin to do field audits of special education programs in selected school districts.

Comments:

We concur with this recommendation. Recommendation #9 calls for a field audit section to be established. It is essential that the state become more accountable for the funds provided to local boards of education for services to children.

Recommendation:

- (34) (35) One half of one percent of the special education grant appropriation in fiscal years 1973 and 1974, should be set aside for development of a statewide evaluation program and information system for special education; reports should be made periodically to the Joint Committee on Education and the Joint Committee on Appropriations.

Comments:

We concur with this recommendation. An appropriation over and above the present special education grant should be made for this purpose and required by legislation.

Recommendation:

- (35) (36) A pre-school age census and registration of children should be required for purposes of identification.

Comments:

We are not in a position to comment on this recommendation. While the concept of knowing what a school population is going to be, several years in advance, is endorsed, there is a great danger in attempting to identify two and three year old handicapped children. The seriously retarded, the deaf, the physically handicapped can readily be identified but the poor and the culturally disadvantaged could be labeled and stigmatized by instruments of evaluation that are questionable for school age children and completely invalid for two and three year olds. The whole concept of the state ordering a family to register a two year old handicapped child is debatable and extremely dangerous.

Recommendation:

- (36) (37) Models of various program elements based on successful experiences of school districts and research projects should be developed and information about them distributed to the local school districts.

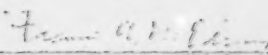
Comments:

We concur with this recommendation. It is worthy of a high priority.

CLOSING COMMENTS:

We cannot wish the majority of our very recommendations drawn by the Committee. Many recommendations can be implemented only through the passage of new legislation or the revision of existing legislation. Many recommendations will require additional appropriations in order to be implemented. Several recommendations have implications for department policy and organization that involve far more than just special education. In such cases my concurrence with the recommendation means concurrence with the state objectives, but it does not imply agreement with the specific remedy suggested.

While I would hope that my views would be consistent with the views of the State Board of Education, I must reiterate, all comments are submitted as my personal opinion.


 Francis A. McElaney, Chief
 Bureau of Pupil Personnel and Special
 Educational Services

fa:rlks

APPENDIX B

LIST OF STATE AGENCIES AND PARENT AND PROFESSIONAL GROUPS CONTACTED

I. STATE AGENCIES

Department of Education

Office of the Commissioner
 Office of Departmental Planning
 Division of Instructional Services
 Bureau of Elementary and Secondary Education
 Bureau of Pupil Personnel and Special Educational Services
 Division of Administrative Services
 Bureau of Federal-State-Local Relations
 Bureau of Educational Management and Finance

Department of Health

Office of Mental Retardation

Department of Mental Health

Department of Children and Youth Services

Department of Correction

University of Connecticut

Southern Connecticut State College

Central Connecticut State College

II. PARENT AND PROFESSIONAL GROUPS

Connecticut Association for Children with Perceptual Learning Disabilities, Inc.

Connecticut Speech and Hearing Association

Farmington Valley Parents Group

League for Autistic and Mentally Handicapped Children

Connecticut Chapter, Inc., American Physical Therapy Association

Child and Family Services of Connecticut, Inc.

The Connecticut Association for School Psychological Personnel

United Cerebral Palsy Association of Connecticut, Inc.

Connecticut Association for Mental Health

Connecticut Association of Hearing Impaired Children

APPENDIX C

PROPOSED LEGISLATION

To date, the Joint Committee on Education has raised several pieces of legislation which would implement some of the recommendations contained in this report. Copies of the bills are included in this Appendix.

The language in these proposals do not bind or commit any of the members of the Program Review and Evaluation Committee to support them. The Committee itself did not raise any legislation based on its findings or recommendations as stated in this report.

RECOMMENDATION

Joint Committee will do 5301

Page 1 of 1

Referred to Committee on Education

100 HS. 626

Introduced by (ind)

General Assembly,

February Session, A.D., 1972

AN ACT CONCERNING STATE AID FOR SPECIAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Subsection (a) of section 10-76g of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: Any school district which provides special education, in accordance with regulations made pursuant to sections 10-76a to 10-76g, inclusive, and 10-94a, for any exceptional child shall be reimbursed in an amount equal to sixty-six and two-thirds per cent of its net cost of special education for the preceding fiscal year except as hereinafter provided; AND PROVIDED THAT APPLICATION FOR SUCH REIMBURSEMENTS SHALL BE MADE NOT LATER THAN OCTOBER FIRST, AND PROVIDED ALL SUCH REIMBURSEMENTS SHALL BE MADE NOT LATER THAN DECEMBER FIFTEENTH.

STATEMENT OF PURPOSE: To provide a date for reimbursement of school districts providing special education.

[Proposed deletions are enclosed in brackets and proposed additions are all capitalized, or underlined where appropriate.]

~~Public Act No. 100-100~~

STATE OF CONNECTICUT

Page 1

Public Act No. 100-100
Referred to Committee on Education

Introduced by Education

LED 60.

General Assembly
February Session, A.D. 1972

AN ACT CONCERNING THE RIGHTS OF CHILDREN REQUIRING SPECIAL EDUCATION

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-76d (a) of the 1971 supplement to the general statutes is repealed and the following is substituted in lieu thereof: In accordance with the regulations and procedures established by the secretary and approved by the state board of education, each town or regional board of education shall provide the professional services requisite to identification of school age children requiring special education, identify each such child within its jurisdiction, determine the eligibility of such children for special education pursuant to sections 10-76a to 10-76h [R] inclusive, prescribe suitable educational programs for eligible children, maintain a record thereof and make such reports as the secretary may require. IMMEDIATELY UPON THE POSITIVE IDENTIFICATION OF ANY CHILD AS A CHILD REQUIRING SPECIAL EDUCATION, THE RESPONSIBLE TOWN OR REGIONAL BOARD OF EDUCATION SHALL INFORM THE PARENT OR GUARDIAN OF SUCH CHILD OF THE LAWS RELATIVE TO SPECIAL EDUCATION. No school age child requiring special education shall be excluded or exempted from school privileges except with the express approval of the secretary based upon appropriate professional advice. Said secretary shall immediately report any child so excluded or exempted to any state agency responsible by law for any aspect of the welfare of such child.

STATEMENT OF PURPOSE: To provide for the boards of education to inform the parents or guardians of children requiring special education of their rights.

[Proposed deletions are enclosed in brackets and proposed additions are all capitalized or underlined where appropriate.]

RECOMMENDATION #19

STATE OF CONNECTICUT

Printed Committee Bill No. 5502
 Referred to Committee on Education

Page 1

Introduced by Education

LCO No. 1915

General Assembly
 February Session, A.D., 1972

AN ACT CONCERNING PROCEDURE FOR REVIEW AND EVALUATION OF PROGRAMS FOR
 EXCEPTIONAL CHILDREN.

Be it enacted by the Senate and House of Representatives in General
 Assembly convened:

Section 1. Subsection (c) of section 10-76h of the 1971 supplement to the general statutes is repealed and the following is substituted in lieu thereof: The state board of education shall, on receipt of request for such review, establish WITHIN SEVEN DAYS a hearing board of not less than three persons knowledgeable in the fields and areas significant to such educational review of such child. Members of the hearing board may be employees of the state department of education or may be qualified persons from outside said department. No person who participated in the previous diagnosis, evaluation, or prescription of education programs or exclusion or exemption from school privileges under review, nor any member of the board of education of the school district under review, shall be a member of the hearing board.

Sec. 2. Subsection (d) of said section 10-76h is repealed and the following is substituted in lieu thereof: The hearing board shall, WITHIN THIRTY DAYS, hear testimony of the party requesting said review and any other party directly involved, and shall review the previous diagnosis, evaluation, prescription of special educational services, and other education records of said child, which records shall be furnished by the board of education of the school district, and may hear such additional testimony as the hearing board shall deem relevant. Said hearing board may require a complete and independent diagnosis, evaluation and prescription of educational programs by qualified persons, the cost of which shall be paid by the board of education of the

school district. SAID HEARING BOARD SHALL CAUSE ALL FORMAL SESSIONS OF THE HEARING AND REVIEW TO BE TRANSCRIBED.

Sec. 3. Subsection (e) of said section 10-76h is repealed and the following is substituted in lieu thereof: The hearing board shall have the authority to confirm, modify, or reject any diagnosis, evaluation, educational program prescribed, or exclusion or exemption from school privileges and prescribe alternate special educational programs for the child, and shall inform the parent or guardian and the board of education of the school district of its decision in writing WITHIN THIRTY DAYS OF ITS FIRST MEETING. If the board of education of the school district responsible for providing special education for such child requiring special education does not take action on the findings or prescription of said hearing board within fifteen days after receipt thereof, the state board of education [may] SHALL take appropriate action to enforce the findings or prescriptions of the hearing board. Appeal from the decision of the hearing board shall be to the court of common pleas [in] FOR the COUNTY OR district of residence of said child within thirty days from the date of receipt of said hearing board's decision. IN THE EVENT OF AN APPEAL, UPON REQUEST AND AT THE EXPENSE OF THE STATE BOARD OF EDUCATION, SAID BOARD SHALL SUPPLY A COPY OF THE TRANSCRIPT OF THE FORMAL SESSIONS OF THE HEARING BOARD TO THE PARENT OR GUARDIAN AND TO THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT.

STATEMENT OF PURPOSE: To establish periods within which action is to be taken and to provide for transcripts of hearings.

[Proposed deletions are enclosed in brackets and proposed additions are all capitalized, or underlined where appropriate.]

RECOMMENDATION #24

STATE OF CONNECTICUT

Raised Committee Bill No.
Referral to Committee on Education

Page 1

Introduced by Education

LCU No.

General Assembly,
February Session, A.D., 1972

AN ACT CONCERNING THE ESTABLISHMENT OF A STATE PLAN FOR SPECIAL EDUCATION

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The state board of education shall make and keep current a five year plan for the implementation of the special education policy set forth in sections 10-76a to 10-76h, inclusive, and other pertinent sections of the 1971 supplement to the general statutes. The plan shall include:

(a) A census of children requiring special education in the state, showing the total number of such children and the geographic distribution of such children as a whole.

(b) An inventory of personnel and facilities available to provide instruction and other programs and services to children requiring special education.

(c) An analysis of the present distribution of responsibility for special education between the state, including state institutions, and local and regional boards of education, together with recommendations for any changes in the distribution of responsibilities.

(d) A formulation of goals, objectives, and strategies necessary to achieve compliance with the special education law and to implement the various components of the plan required by this act.

(e) A program for the recruitment, preparation, and inservice training of professionals and paraprofessionals and supportive personnel in special education and allied fields, including participation by institutions of higher education, state and local agencies, and other appropriate public and private organizations.

(f) Procedures for identification, screening, and diagnosis of children requiring special education and determination of the criteria for determining how such children are to be educated.

(g) Standards for the education in town and regional programs and in state institutions to be received by children requiring special education.

(h) A program for the development, acquisition, construction, and maintenance of classrooms, resource rooms, and other facilities needed to implement fully the provisions of the special education law.

(i) A policy statement on the roles of private schools and regional programs and services for children requiring special education.

(j) A delineation of the roles of program personnel and the relationship of special education to the total educational program.

(k) An analysis of the present formula and levels and patterns of financial support for special education and recommendations to insure the maximum use of funds to meet the educational needs of children requiring special education.

Sec. 2. The development of the state plan shall include the participation of representatives of state agencies and institutions, public and private colleges and universities, professional and parent groups and organizations, local school boards and other local government and civic organizations, and the general public.

Sec. 3. The complete state plan shall be submitted to the governor and the Joint Standing Committee on Education of the general assembly no later than December 1, 1971.

Sec. 4. This act shall take effect July 1, 1972.

DOCUMENTATION

STATE OF CONNECTICUT

Revised Committee Bill No.
Referred to Committee on Education
Introduced by Education

Page 1
ICO No.

General Assembly,
February Session, A.D., 1972

AN ACT CONCERNING THE EVALUATION OF SPECIAL EDUCATION PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-76b(4) of the 1971 supplement to the general statutes is repealed and the following is substituted in lieu thereof: (1)
The state board of education shall [periodically evaluate the progress and accomplishments of programs] PROVIDE FOR THE DEVELOPMENT, DESIGN, AND IMPLEMENTATION OF A PROGRAM TO PERIODICALLY EVALUATE THE PERFORMANCE AND PROGRESS OF SPECIAL EDUCATION covered by sections 10-76a to 10-76h [g], inclusive, INCLUDING TEACHER PREPARATION AND TRAINING PROGRAMS FOR SPECIAL EDUCATION TEACHERS AT THE STATE-SUPPORTED COLLEGES AND UNIVERSITY. SUCH EVALUATION SHALL INCLUDE THE EFFECTIVENESS IN ACHIEVING STATED OBJECTIVES, THE IMPACT ON RELATED PROGRAMS, AN ANALYSIS OF THE STRUCTURES AND MECHANISMS FOR THE DELIVERY OF SERVICES, AND THE MEASUREMENT OF THE PROGRESS OF SPECIAL EDUCATION IN TERMS OF THE CHILDREN THE PROGRAMS ARE INTENDED TO SERVE AND THE TEACHERS TO BE TRAINED. (2) THE STATE BOARD OF EDUCATION SHALL PROVIDE FOR AN INFORMATION SYSTEM TO COLLECT DATA NECESSARY TO EVALUATE SPECIAL EDUCATION AND SPECIAL EDUCATION TEACHER TRAINING PROGRAMS IN THE STATE. (3) SAID BOARD SHALL PERIODICALLY REVIEW, WITH THE JOINT STANDING COMMITTEE ON EDUCATION OF THE GENERAL ASSEMBLY, THE RESULTS OF THE EVALUATION REQUIRED BY THIS ACT, THE DISSEMINATION OF FINDINGS, THE TYPES OF PROJECTS FUNDING, [and the evaluation of programs dealing with children requiring special education] AND SUCH OTHER INFORMATION AS MAY BE REQUESTED BY THE JOINT STANDING COMMITTEE ON EDUCATION OF THE GENERAL ASSEMBLY IN ORDER TO APPRISE THE GENERAL ASSEMBLY OF THE TRUE

condition, progress and needs of special education. (d) THE SECRETARY OF THE STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS, SUBJECT TO APPROVAL OF THE STATE BOARD OF EDUCATION, TO EFFECTUATE THE PROVISIONS OF THIS ACT.

Sec. 2. ONE-HALF OF ONE PERCENT OF THE 1972-1973 AND 1973-1974 FISCAL YEARS APPROPRIATION FOR SPECIAL EDUCATION PAYMENTS SHALL BE USED BY THE STATE BOARD OF EDUCATION TO FUND THE ACTIVITIES REQUIRED BY THIS ACT.

Sec. 3. THE COMMISSION ON HIGHER EDUCATION, THE STATE-SUPPORTED COLLEGE AND UNIVERSITY, AND OTHER STATE-RELATED HIGHER EDUCATION AGENCIES SHALL COOPERATE WITH THE STATE BOARD OF EDUCATION IN THE IMPLEMENTATION OF THIS ACT.

Sec. 4. THIS ACT SHALL TAKE EFFECT JULY 1, 1972.

Proposed deletions are enclosed in brackets and proposed additions are all capitalized, or underlined where appropriate.

RECOMMENDATION 632

Enacted by the Senate and House of Representatives

page 1

Referred to Committee on

4.1

1000 No. 660

Introduced by (ED)

General Assembly,

February Session, A.D., 1972

AN ACT ESTABLISHING AN ADVISORY COUNCIL FOR SPECIAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

(a) There shall be an advisory council for special education which shall advise the state board of education and the secretary thereof, and which shall engage in other activities as are hereinafter set forth. Said advisory council shall be composed of fifteen members who are not officers or employees of the state board of education, and no more than four of whom may be employees of town or regional school districts. Said advisory council shall be composed of persons broadly representative of community organizations interested in children requiring special education as defined in section 10-76a of the 1971 supplement to the general statutes, parents of such children, practicing workers of the professions concerned with the educational needs of such children and members of the general public. The secretary of the state board of education shall appoint the members of said advisory council for three year terms, except that of those first appointed, five shall be appointed for terms of three years, five for terms of two years and five for terms of one year. Vacancies shall be filled for unexpired terms in the same manner as provided herein. The last of said advisory council shall serve no less than the consecutive three-year term.

(b) Said advisory council shall elect annually its own chairman and shall elect a vice chairman. The chairman of

COALITION FOR SPECIAL EDUCATION

251 Massachusetts Avenue
Arlington, Mass. 02174
Phone: 227-9608 or 861-8515
May 7, 1973

To: LABOR AND PUBLIC WELFARE COMMITTEE, UNITED STATES SENATE
The Hon. Harrison Williams, Chairman

Advisory Council for the Deaf
Association for Mentally III Children
Boston Chamber of Commerce
Boston Children's Services
Coalition for Children
Department of Mental Health
Division of Special Education,
Department of Education
Executive Office of Education Affairs
Harvard Center for Law and Education
Industrial School for Crippled Children
Juvenile Association
League of Women Voters of Mass.
Mass. Association for Children with
Learning Disabilities
Mass. Association for Mental Health
Mass. Association for
Retarded Citizens, Inc.
Mass. Association of Paraplegics, Inc.
Mass. Child, Inc.
Mass. Children's Lobby
Mass. Congress of Parents and Teachers
Mass. Council of Churches
Mass. Council of Organizations
of the Handicapped
Mass. Hospital School Alumni Association
Mass. Mental Health Center Area Board
Mass. Parents Association for the Deaf
Mass. Teachers Association
Mass. U.N.O.
Muscular Dystrophy Associations
of America, Inc., Greater Boston Chapter
National Association for Brain-Injured
Children
National Association of Social Workers,
Eastern Mass. Chapter
National Society for Autistic Children
Office for Children
Office of House Chairman,
Education Committee
Office of Senate Chairman,
Urban Affairs Committee
Office of Speaker of the
House of Representatives
Task Force on Children Out of School
Task Force on the Handicapped
United Cerebral Palsy Association
of Metropolitan Boston

The Coalition for Special Education in Massachusetts comprises some thirty citizen organizations including, in addition to consumer and parent groups, such organizations as the League of Women Voters, Massachusetts Teachers Association, National Association of Social Workers, Boston Chamber of Commerce, and the Massachusetts Mental Health Association. Members of this Coalition are dedicated to the goal of appropriate education for all children with special needs; in Massachusetts we hope to achieve this goal through sound implementation of our recently enacted special education legislation, the Bartley-Daly Law, Chapter 766 of the Acts of the General Court of 1972, which becomes legally effective in September 1974.

As chairman of the Coalition for Special Education and as a parent of a severely emotionally disturbed child, I heartily endorse the goal of Senate . . . the goal of making free appropriate public education available to all handicapped children. While we realize that private schools have made an invaluable contribution to the education of handicapped children and that they must continue to play an important role, we believe that in a democratic society, placement of any child in a private school should be a matter of choice, not a matter of desperation, as is now the case with many handicapped children.

Furthermore, present services here and in most states are so inadequate that many handicapped children are completely deprived of their right to an education.

Senate 6 holds the promise of greatly strengthening Massachusetts' Bartley-Daly Law and it offers considerable stimulus to other states to begin plans to improve educational opportunities for handicapped children.

On the basis of our experience here in Massachusetts in developing our new special education law, I respectfully suggest your consideration of a few changes in Senate 6:

1. One of the major provisions in Bartley-Daly mandates that local school districts pay toward the education of children with special needs at least the amount the district would pay if that child were in a regular

classroom - regardless where the child is placed. In the interests of true equality and the localizing of responsibility, I would like to see a similar requirement embodied in Senate 6.

2. Along a similar line, I would like to see the section on education of children in institutions strengthened. These are our nation's most neglected children and a federal law including services for them should have teeth in it.

3. Section 6, (c), (4) contains passages that are not clear to me. Whatever the intent here, I hope this part will be rewritten so that Senate 6 will guarantee equalization of services for handicapped children within states as well as from state to state and will guarantee equalization of appropriate education for all handicapped children, no matter how severely or multiply handicapped they may be.

4. I would like to see more detailed requirements for the composition of the advisory boards described in section 6, (7), so that at least half of the members must be parents of handicapped children needing special education. Further, I suggest requiring even more power for these boards, especially in the area of monitoring programs.

While in general supporting Senate 6, I wish to especially commend Sen. Williams and the co-sponsors of the bill for some particular features in the bill:

1. I can hardly praise too highly the requirement for an individualized written program for each child.

2. I am happy to see in section 6, (b), (5) a requirement for an annual evaluation of the effectiveness of programs in meeting the educational needs of handicapped children. Up to now the usual custom has been to evaluate the child to see if he fits the program. Finally, we are getting ready to stretch the schools instead of the children.

3. I am pleased to see that Senate 6 bases reimbursement on pupils in school, in other words, on attendance. I know from experience with my own daughter that it is all too tempting for a special education teacher to send a child home when the going gets rough. If the school system stands to lose funds each time a handicapped child is sent or kept home because "Today she refuses to learn," administrators would soon start helping teachers to develop new techniques for coping and teaching.

Many handicapped children are not easy to teach - often they are not easy to live with. Teaching them requires not just training and dedication, but imagination, especially as they grow, develop, and overcome their handicaps as best they can. They are full of surprises, wonderful surprises, just like our other children.

Respectfully submitted,

Martha Ziegler
Martha Ziegler, Chairman
COALITION FOR SPECIAL EDUCATION

LEXINGTON PUBLIC SCHOOLS

EDDIE F. FORT, Superintendent of Schools
 HENRY G. DANSON, Director of Pupil Personnel Services
 JACK H. MONTGOMERY



Area Code 617 982-7500

LEXINGTON, MASSACHUSETTS 02171
 School Administration Building 1557 MASSACHUSETTS AVENUE

THE TESTIMONY of SAL PACE, M.Ed.
 BEFORE THE SENATE SUBCOMMITTEE ON THE HANDICAPPED
 OF THE SENATE LABOR & PUBLIC WELFARE COMMITTEE
 REGARDING S.G.
 TO PROVIDE FINANCIAL ASSISTANCE to the STATES
 for IMPROVED EDUCATIONAL SERVICES
 for HANDICAPPED CHILDREN

7 MAY 1973

BOSTON, MASSACHUSETTS

On April 19, 1775, in the town I live and teach in, American history was made. On that cool April morning the first shot was fired on the Lexington Common that began the American Revolution. Some years later after the last shot of the Revolution was fired, and the people of the colonies won their independence, the government they formed guaranteed liberty and justice to all. Gentlemen, as a representative of the Massachusetts Speech & Hearing Association, and as a public school speech, hearing, and language clinician, I am here today to give testimony for Senate Bill 6 - a Bill that believes in liberty, justice and the human rights of all handicapped children.

One of the values that we hold in high esteem in America, is that each individual is equal in dignity and worth to every other individual, simply because he or she is human. The promise of keeping this value esteemed can be accomplished by giving each human being the opportunity to become the self he can truly become through equal education.

How can we, this great nation, teach and practice democratic values of human rights in a school environment in which the worth of handicapped children is not prized - is not honored? One has only to look at the location of some of our classrooms for the handicapped, usually relegated to the basement or some other remote area of school buildings, to know that our handicapped are not prized. Almost every parent of a handicapped child knows the difficulty, knows the fight to gain the human right of dignity and worth for her child in many public school settings. That cool April in 1775 surely promised more.

As an active member of my professional association I am in frequent contact with my colleagues throughout the state. I do not know of a single speech clinician in a public school setting, in all of the districts of Massachusetts, who feels that they have enough staff to meet the intensive needs of the speech, hearing, and language handicapped. Indeed, it is not uncommon to hear of clinicians servicing 100 youngsters per week - ONE HUNDRED youngsters a week - a most discouraging fact.

In many school communities throughout the state, clinicians are forced to set priorities because they are understaffed and cannot meet the needs of the communicatively handicapped who so need their services. As a result many communities do not offer service to junior and senior high school students. The clinicians just do not have the staff, equipment, and in more instances than I care to admit, the enthusiastic support of administrators who are confronted daily with their own priorities.

The mentally retarded and emotionally disturbed youngsters in the majority of the school districts often receive inadequate service if they receive any at all. Intensive therapy programs for these youngsters is the exception not the rule. I cannot count the times I have heard from my colleagues in the public schools: "I know Billy needs help with his speech and language...but he's retarded and needs daily help which I cannot give him because I have so many schools to service each week..".

So often is this the case in our school systems with limited personnel and budget, that children often have to be referred to private agencies in the greater Boston area. This places additional financial and emotional burdens on the parents, especially if there are other youngsters in the family to tend too. Even then, many of these parents are shut out because of the waiting lists for service at these clinics. In some instances two or three months waiting time for on-going therapy is not uncommon. It's a dead end for many of the communicatively handicapped children, especially those in rural areas.

When I asked my colleagues about their program for homebound youngsters in their school system - that is youngsters with communication handicaps not able to attend daily classes because of physical or emotional reasons - I could not find, gentlemen, five clinicians throughout the state who service, on a continual basis, our homebound students who are also handicapped in speech, hearing or language.

According to the latest census report from the Division of Special Education (enclosed) from the State of Massachusetts, as of October 1, 1972, over 38,000 youngsters were seen for speech and hearing handicaps. The total cost to the state to service these youngsters was \$1,744,717. The total cost to the state and local school communities was \$3,489,434. The total average expenditure for each youngster receiving therapy for one year came to \$113. Of this \$56.60 was paid by the state and \$56.50 was paid by the school district for each youngster handicapped in speech or language, or hearing impaired. If these youngsters were seen twice a week, the state reimbursement was about 80¢ per therapy session per youngster. May I add, gentlemen, that the reimbursement for each of the 38,000 youngsters doesn't nearly cover the need for therapy of these handicapped children, nor take into account the many youngsters on the waiting lists, or those youngsters not identified because of inadequate funds.

S.6 contains the potential which will enable every public school clinician to better identify, evaluate, and rehabilitate youngsters with speech, language and hearing disorders. The pressing need for intensive service for the handicapped is long overdue! Senator Williams' proposed Education for All the Handicapped Act (S.6) recognizes this fact and also recognizes a major goal of education. The goal of reducing adverse differences of inequality and strengthening the concept of equal worth for everyone.

One of our human rights is our freedom of speech - that all people have the right to express ideas and opinions. For 1.1 million speech impaired school children this freedom is a limited freedom. because they cannot obtain adequate therapeutic time. On behalf of these handicapped children, my professional colleagues, and especially for all Americans who must live together irrespective of their handicaps or strengths, I most humbly urge this committee to act favorable on S.6.

FORM 100 (TABLES I & II)

DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
ASSOCIATE COMMISSIONER, JOSEPH P. RICE, PH.D.

CENSUS, AND EXPENDITURES BY THE COMMONWEALTH
PUBLIC SCHOOL, PRIVATE SCHOOL, AND OTHER PROGRAMS
CHILDREN AND ADULTS WITH SPECIAL NEEDS
JULY 1, 1969 to OCTOBER 1, 1972

SOURCES: Available Reports and Accounts (Unaudited)

Publication # --
(69-7-1500-3-73), approved by
Alfred G. Pollard, State Purchasing
Agent.

Benoit H. Charland
Acting Director
Bureau of Education Management

Compiled by: Martha Flachman
John B. McGilvray

TABLE 1. PUPIL CENSUS

Public School and other Program Categories	No. of Pupils			
	1969 (1) 1970	1970 (1) 1971	1971 (1) 1972	Fall 1972(2)
A. MENTALLY RETARDED:				
1. Fully Integrated			3,432	
2. Predominantly Integrated			3,180	
3. Partially Integrated			7,226	
Totals	11,893	14,075	13,838	(13,272)
B. RECREATION PROGRAMS	3,563	3,485	4,661	
C. TRANSPORTATION, D.H.H. PROGRAMS			668	
D. PHYSICALLY HANDICAPPED:				
1. Special Class - Transitional			495	
2. Special Class - Integrated		311	253	
3. Special Class - Non-Integrated			185	
4. Home Instruction - Long Term		3,763	1,428	
5. Home Instruction - Short Term			3,043	
6. Hospital Instruction-Long Term		1,341	1,241	
7. Hospital Instruction-Short Term			100	
Totals	5,000	5,415	6,745	(6,394)
E. PARTIALLY SEEING:				
1. Itinerant Teacher		252	179	
2. Resource Program		130	18	
3. Supplementary Tutoring			28	
Totals	389 (3)	382 (3)	325 (3)	(614)
F. SPEECH OR HEARING HANDICAPPED	33,235	36,996	38,052	(38,012)
G. EMOTIONALLY DISTURBED				
1. Special Class - Integrated		725	2,196	
2. Special Class - Non-Integrated		720	710	
2. Home Instruction		746	577	
4. Hospital Instruction		110	114	
Totals	1,532	2,301	3,597	(3,750)

(1) Basis: Form SPED 5; (e.g., July 1 to June 30 year totals)

(2) Basis: Form SPED 15 (rev. 8-72), October 1, 1972 census.

(3) These figures don't include approximately 500 additional children in each year who received educational materials and/or aids from the Division's Library Center for the Visually Handicapped.

TABLE 1: SPED CENSUS (cont.)

Public School and other Program Categories	No. of Pupils			
	1970 (1) 1970	1970 (1) 1971	1971 (1) 1972	Fall 1972 (2)
H. LEARNING DISABLED				
1. Classes - Self-Contained		1,068	1,445	
2. Classes - Transitional		1,327	866	
3. Instructional Periods		4,817	6,970	
4. Small Group Sessions		3,704	3,667	
5. Resource Room		434	1,711	
Totals	5,027	11,395	16,257	(19,950)
I. HEARING IMPAIRED:				
1. Classes		110	114	
2. Instructional Periods		643	1,400	
Totals	1,009	753	1,514	(1,691)
J. DEAF:				
1. Day Programs				
2. Supportive Tutoring				
Totals	278	260	230	(725)
K. LEGALLY BLIND:				
1. Itinerant Teachers				
2. Resource Programs				
3. Supportive Tutoring				
Totals	67 (4)	107 (4)	227	(325)
Multi-Handicapped				(1,510)
Other, or Undifferentiated Health Impaired				(356)
Academically Talented/Gifted				(2,806)
GRAND TOTALS PUBLIC SCHOOL AND OTHER PROGRAM CATEGORIES (Pages 1 and 2)	61,993	75,249	86,114	(83,507)

(1) Basis: Form SPED 5 (e.g., July 1 to June 30 year totals)

(2) Basis: Form SPED 15 (rev. 8-72), Oct. 1, 1972 census

(3) These figures don't include approximately 500 additional children in each year who received educational materials and/or aids from the Division's Library Center for the Visually Handicapped.

(4) Note: Program client definition change.

TABLE I PUPIL CENSUS (cont.)

Private School Program Categories	No. of Pupils			
	1969 (5) 1970	1970 (5) 1971	1971 (5) 1972	1972 (6) 1973
L. Special Schools for the Deaf	947	1,117	969	874 (Jan)
M. Supplemental Tutoring for the Deaf			19	
N. Special Schools for the Aphasic	153	231	247	259 (Jan)
O. Special Schools for the Emotionally Disturbed	1,390	1,500	1,281	1,212 (Dec)
P. Special Schools for the Learning Disabled		74	70	66 (Feb)
Q. Special Schools for the Physically Handicapped		53	48	51 (Jan)
R. Special Schools for the Blind	207	207	234	219 (Jan)
S. Special Supportive Programs for the Blind (e.g., tutors)			91	74
Grand Totals - Private School Programs (Page 3)	2,627	3,182	2,959	2,681
Grand Totals - Public & Private School Programs (Pages 1, 2 & 3)	84,690	78,431	89,073	86,188

(5) Basis: Annual Reports, Supervisor count, and Standard Invoices

(6) Basis: Standard Invoices to dates noted.

TABLE II: PUBLIC SCHOOL, PRIVATE SCHOOL, AND OTHER RELATED PROGRAM CATEGORIES
COSTS (INCLUDING TRANSPORTATION).

Public School and Other Related Program Categories	Fiscal Years, (e.g., July 1 - June 30):		
	1969-70	1970-71	1971-72
A. MENTALLY RETARDED:			
(1) Fully Integrated			\$2,406,845 S
(2) Predominantly Integrated			2,524,281 S
(3) Partially Integrated			5,943,822 S
Total cost to State (Net)	\$ 9,884,728 S	\$11,168,728 S	\$10,874,948 S
Total cost to the State and Local Committees (Net)	20,976,752	21,736,911	21,144,337
B. RECREATION PROGRAMS:			
Total Cost to State (Net)	\$ 264,282 S	\$ 287,366 S	\$ 383,799 S
Total Cost to State and Cities or Town (Net)	528,564	574,732	767,598
C. TRANSPORTATION (only) to Department of Mental Health Programs:			
Total cost to State (Net)	\$ 689,667 S	\$ 852,160 S	\$ 754,975 S
Total cost to State and Local School Committees (Net)	1,259,963	1,519,348	1,208,569
D. PHYSICALLY HANDICAPPED:			
(1) Special Class - Transitional			\$ 646,668 S
(2) Special Class - Integrated			141,685 S
(3) Special Class - Non-Integrated			134,621 S
(4) Home Instruction-Long Term			347,977 S
(5) Home Instruction-Short Term			435,341 S
(6) Hospital Instruction-Long Term			144,729 S
(7) Hospital Instruction-Short Term			40,125 S
Total Cost to State (Net)	\$ 1,909,327 S	\$ 1,729,127 S	\$1,891,146 S
Total cost to State and Local School Committees (Net)	3,818,654	3,458,254	3,782,292
E. PARTIALLY SEEING:			
(1) Itinerant Teacher			91,935 S
(2) Resource Program			11,373 S
(3) Supplementary Tutoring			4,123 S
Total Cost to State (Net)	\$ 142,201 S	154,680 S	107,431 S
Total cost to State and Local School Committees (Net)	284,402	309,360	214,862

S = State Cost

TABLE 11: Costs (cont.)

Public School and Other Related Program Categories	Fiscal Years, (e.g., July 1 - June 30):		
	1969-70	1970-71	1971-72
F. SPEECH OR HEARING HANDICAPPED			
Total cost to State (Net)	\$ 1,733,573 S	\$ 1,744,717 S	\$ 2,152,216 S
Total cost to State and Local School Committees (Net)	3,467,146	3,489,434	4,304,432
G. EMOTIONALLY DISTURBED			
(1) Special Class-Integrated			\$ 1,791,252 S
(2) Special Class-Non-Integrated			660,759 S
(3) Home Instruction			226,822 S
(4) Hospital Instruction			130,810 S
Total cost to State (Net)	\$ 302,575 S	\$ 2,001,347 S	\$ 2,809,643 S
Total cost to State and Local School Committees (Net)	605,150	4,002,694	5,619,286
H. PERCEPTUALLY HANDICAPPED:			
(1) Classes - Self-Contained			\$ 823,338 S
(2) Classes - Transitional			242,892 S
(3) Instructional Periods			1,702,548 S
(4) Small Group Sessions			1,265,188 S
(5) Resource Room			577,017 S
Total Cost to State (Net)	\$ 533,653 S	\$ 3,256,818 S	\$ 4,610,983 S
Total Cost to State and Local School Committees (Net)	1,067,306	6,513,636	9,221,966
I. HEARING IMPAIRED:			
(1) Classes			
(2) Instructional Periods			
Total Cost (100% reimbursement to Cities, Towns and Regional Districts)	\$ 52,825 S	\$ 30,157 S	\$ 53,853 S
J. DEAF:			
(1) Day Programs			
(2) Supportive Tutoring			
Total cost (100% State Reimbursal to Local Cities, Towns and Regional Districts)	\$ 303,694 S	\$ 387,806 S	\$ 601,759 S
K. LEGALLY BLIND			
(1) Itinerant Teachers			
(2) Resource Programs			
(3) Supportive Tutoring			
Total cost (100% State reimbursement to local cities, towns and Regional Districts)	\$ 51,190 S	\$ 121,315 S	\$ 212,965 S

S = State Cost

TABLE VI: COSTS (cont.)

GRAND TOTALS:

(1) Public School and other Related Program Categories' State Cost (Net)	\$ 15,869,715	\$ 21,714,221	\$ 24,453,718
(2) Public School and Other Related Program Categories' State and Local Costs (Net)	\$ 31,980,345	\$ 41,577,543	\$ 46,263,342

Private School Program Categories	Fiscal Years, (e.g., July 1 - June 30)		
	1969-70	1970-71	1971-72
L. SPECIAL SCHOOLS FOR THE DEAF	\$ 3,771,083 S	\$ 4,154,781 S	\$ 5,114,877 S
M. SUPPLEMENTAL TUTORING FOR THE DEAF			9,007 S
N. SPECIAL SCHOOLS FOR THE ~~DEAF~~ APHRASIC	\$ 612,000 S	\$ 696,989 S	\$ 1,117,763 S
O. SPECIAL SCHOOLS FOR THE EMOTIONALLY DISTURBED	\$ 8,400,000 S	\$ 8,400,000 S	\$ 8,021,935 S
P. SPECIAL SCHOOLS FOR THE PERCEPTUALLY HANDICAPPED		\$ 250,000 S	\$ 341,171 S
Q. SPECIAL SCHOOLS FOR THE PHYSICALLY HANDICAPPED		\$ 155,000 S	\$ 169,429 S
R. SPECIAL SCHOOLS FOR THE BLIND	\$ 1,142,572 S	\$ 1,370,374 S	\$ 1,595,897 S
S. SUPPORTIVE PROGRAMS FOR THE BLIND, (e.g., tutors)			\$ 42,405 S
Grand Total of Private School Program Categories' State Costs (Net)	\$13,925,655 S	\$15,027,144 S	\$16,412,480 S
Grand Total - Public School and Private School and other related Program Categories' Costs:			
(1) State (Net)	\$20,725,370	\$24,701,305	\$40,866,202
(2) State and Local (Net)	\$15,906,000	\$26,604,487	\$62,675,826

S = State Cost

FORM SPED 606 (Tables III & IV)

DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
ASSOCIATE COMMISSIONER JOSEPH P. RICE, PH.D.

Net (State & Local) State-Wide Special Education Program Statistics:
Average per Pupil Expenditure; and Sub-Expenditure of
Certain Reimbursable Programs Related by Percentage
to the Total Reimbursable Program Expenditure of
those Certain Programs (by Category & Type)
for the period July 1, 1971 - June 30, 1972

Sources: Available SPED 5 (Rev. 5-72) Reports (unaudited) as computed
by the Division of Research, Planning and Evaluation
Department of Education, and other related reports
and accounts (unaudited)

Benoit H. Charland
Acting Director
Bureau of Management

Compiled by:
Martha Flashtane
John B. McGilvray

FORM SPED 606

TABLE III

Program Category & Type	Total Average Expenditure (State & Local)		
	50% State Reim- bursed programs	100% State Reimbursement Programs	100% State Funded Programs
I. <u>MENTALLY RETARDED:</u>			
A. Fully Integrated (Pub.)	\$ 1,351.00		
B. Predominantly Integrated (Pub.)	1,535.00		
C. Partially Integrated (Pub.)	1,597.00		
II. <u>PHYSICALLY HANDICAPPED:</u>			
A. Sp. Class - Transitional (Pub.)	2,681.00		
B. Sp. Class - Integrated (Pub.)	1,079.00		
C. Sp. Class - Non-Integrated (Pub.)	1,459.00		
D. Home Instr. - Long-Term (Pub.)	487.00		
E. Home Instr. - Short Term (Pub.)	284.00		
F. Hospital Instr.-Long Term (Pub.)	205.00		
G. Hospital Instr.-Short Term (Pub.)	644.00		
H. Private School Programs (Priv.)			\$ 3,530.
III. <u>PARTIALLY SEEING:</u>			
A. Itinerant Teacher (Pub.)	998.00		
B. Resource Programs (Pub.)	1,246.00		
C. Supplementary Tutoring (Pub.)	147.00		
IV. <u>LEGALLY BLIND</u>			
A. Itinerant Teachers (Pub.)		\$ 1,113.00	
B. Resource Programs (Pub.)		1,620.00	
C. Supportive Tutoring (Pub.)		1,531.00	
D. Special Schools (Priv.)			6,820.
E. Sp. Supportive Programs (Priv.)			350.
V. <u>SPEECH OR HEARING HANDICAPPED:</u>			
A. Instructional Periods (Pub.)	113.00		
VI. <u>HEARING IMPAIRED:</u>			
A. Classes (Pub.)		1,169.00	
B. Resource Teacher Programs (Pub.)		79.00	
VII. <u>EMOTIONALLY DISTURBED:</u>			
A. Special Class-Integrated (Pub.)	1,624.00		
B. Special Class-Non-Integrated (Pub.)	1,853.00		
C. Home Instruction (Pub.)	786.00		
D. Hospital Instruction (Pub.)	2,256.00		
E. Special Schools (Priv.)			6,262.

TABLE III (Cont.)

Program Category & Type	Total Average Expenditure (State & Local)		
	50% State Reim- bursed programs	100% State Reimbursement Programs	100% State Funded Programs
VIII. LEARNING DISABLED:			
A. Classes - Self-Contained (Pub.)	\$ 1,117.00		
B. Classes - Transitional (Pub.)	1,050.00		
C. Instr. Periods (Pub.)	487.00		
D. Small Group Sessions (Pub.)	439.00		
E. Resource Room (Pub.)	693.00		
F. Special Schools (Priv.)			\$ 4,738.00
IX. DEAF			
A. Day Programs (Pub.)		\$ 1,905.00	
B. Supportive Tutoring (Pub.)		433.00	
C. Special Schools (Priv.)			5,279.00
D. Supplemental Tutoring (Priv.)			474.00
X. SPECIAL SCHOOLS FOR THE APHASIC (Priv.)			4,525.00

TABLE IV

FORM SPED 606

Average Per Pupil Expenditures/A Sub-Expenditure Related to Total Program Expenditure										Total
Program Category & Type	Supervision	Evaluation	Teacher Salaries	Subject Matter Specialists	Textbook Programs	Materials and Supplies	Trans- portation	Sp. Equip. and Classrooms	Expenditure: State&Local	
I. MENTALLY RETARDED:										
A. Fully Integrated	\$77/5.8%	\$87/6.5%	\$685/50.3%	\$53/4.0%	\$9/.8%	\$32/2.4%	\$377/27.8%	\$31/2.4%	\$1351/100%	
D. Predominantly Integrated	\$90/5.9%	\$117/7.7%	\$1,013/65.6%	\$61/4.0%	\$26/1.8%	\$25/1.7%	\$162/10.6%	\$40/2.7%	\$1,534/100%	
C. Partially Integrated	\$81/5.1%	\$93/5.8%	\$1,049/65.7%	\$48/3.0%	\$11/.7%	\$29/1.8%	\$244/15.3%	\$42/2.6%	\$1,597/100%	
II. PHYSICALLY HANDICAPPED:										
A. Sp. Cls.- Integrated	\$29/2.9%	\$11/1.4%	\$451/40.9%	\$27/2.8%	\$13/1.5%	\$25/2.6%	\$514/46.6%	\$10/1.3%	\$1,080/100%	
D. Sp. Cls.- Non-Integ.	\$23/1.4%	\$39/2.7%	\$650/44.6%	\$6/.4%	\$2/.1%	\$9/.6%	\$722/49.5%	\$0/.5%	\$1,459/100%	
C. Sp. Cls. - Transit.	\$92/3.2%	\$2/.1%	\$2,188/82.7%	\$13/.2%	\$1/.1%	\$3/.1%	\$362/13.1%	\$20/.5%	\$2,681/100%	
III. EMOTIONALLY DISTURBED:										
A. Sp. Cls.- Integrated	\$90/5.5%	\$224/13.8%	\$996/61.5%	\$45/2.7%	\$14/.8%	\$21/1.3%	\$1,95/12.0%	\$40/2.4%	\$1,625/100%	
D. Sp. Cls.- Non-Int.	\$90/4.8%	\$229/12.4%	\$1,186/64.1%	\$32/1.7%	\$12/.6%	\$28/1.5%	\$259/14.0%	\$17/.9%	\$1,853/100%	
IV. LEARNING DISABILITIES:										
A. Self-Con- tained Cls.	\$58/5.1%	\$38/3.5%	\$752/67.4%	\$46/4.1%	\$10/.9%	\$14/1.2%	\$163/14.7%	\$36/3.1%	\$1,117/100%	
D. Transitional Classes	\$75/7.4%	\$36/3.5%	672/64.0%	\$87/8.3%	\$15/1.4%	\$35/3.3%	\$112/10.7%	\$13/1.2%	\$1,049/100%	

Senator WILLIAMS. Thank you very, very much.
[The hearing was closed at 3:30 p.m.]

